Court Decisions Affecting the Negro - 1915

(From foregoing card)
Supreme Court, etc.
New York Age 7/1/15

v. Mosley No. 180, ante, p.——.

We answer the first question, No, and the second question, Yes.

And it will be so certified.

Mr. Justice McReynolds took no part in the consideration and decision of this case.

The Maryland Cases.

Three cases were brought up from Maryland, these cases involving some questions which were not in the Oklahoma case. Charles E. Myers and A. Claude Kalmey were the election officers involved in the cases, the Negroes affected being John B. Anderson, William H. Howard and Robert Brown, each of whom entered suit to recover damages from the registering officers on the ground that they had been deprived of a right to vote guaranteed by the Fifteenth Amendment. These cases were docketed as Nos. 8, 9 and 10, October term, 1914, and the decision was handed down on June 21, Mr. Chief Justice White delivering the opinion as follows:

These cases involve some questions which were not in the Guinn case, No. 96, just decided. The foundation question, however, is the same, that is, the operation and effect of the Fifteenth Amendment.

Prior to the adoption of the Fifteenth Amendment the privilege of suffrage was conferred by the constitution of Maryland of 1867 upon "every white male citizen," but the Fifteenth Amendment by its self-operative force obliterated the word white and caused the qualification therefor to be "every male citizen" and this came to be recognized by the Court of Appeals of the State of Maryland. Without recurring to the establishment of the City of Annapolis as a municipality in earlier days or following the development of its government, it suffices to say that before 1877 the right to vote for the governing municipal body was vested in persons entitled to vote for members of the General Assembly of Maryland, which standard by the elimination of the word white from the constitution by the Fifteenth Amendment embraced "every male citizen." In 1896 a general election law comprising many sections was enacted in Maryland. (Laws of 1896, ch. 202, p. 327.) It is sufficient to say that it provided for a board of supervisors of elections in each county to be appointed by the governor and that this board was given the power to appoint two persons as registering officers and two as judges of election for each election precinct or ward in the county. Under this law each ward or voting precinct in Annapolis became entitled to two registering officers. While the law made these changes in the election machinery it did not change the qualifications of voters.

In 1908 an act was passed "to fix the qualifications of voters at municipal elections in the City of Annapolis and to provide for the registration of said voters." (Laws of 1908, ch. 525, p. 347.) This law authorized the appointment of three persons as registers, instead of two, in each election ward or precinct in Annapolis and provided for the mode in which they should perform their duties and conferred the right of registration and consequently the right to vote on all male citizens above the age of twenty-one years who had resided one year in the municipality and had not been convicted of crime and who came within any one of the three following classes:

"1. All taxpayers of the City of Annapolis assessed on the city books for at least five hundred dollars. 2. And duly naturalized citizens. 2½. And male children of naturalized citizens who have reached the age of twenty-one years. 3. All citizens who prior to January 1, 1868, were entitled to vote in the State of Maryland or any other State of the United States at a State election, and the lawful male descendants of any person who prior to January 1, 1868, was entitled to vote in this State or in any other State of the United tSates at a State election, and no person not coming within one of the three enumerated classes shall be registered as a legal voter of the City of Annapolis or qualified to vote at the municipal elections held therein, and any person so duly registered shall, while so registered, be qualified to vote at any municipal election held in said city; said registration shall in all other respects conform to the laws of the State of Maryland relating to and providing for registration in the State of Maryland."

The three persons who are defendants in error in these cases applied in Annapolis to the board of registration to be registered as a prerequisite to the enjoyment of their right to vote at an election to be held in July, 1909, and they were denied the right by a vote of two out of the three members of the board. They consequently were unable to vote. Anderson, the defendant in error in No. 8, was a Negro citizen who possessed all the qualifications required to vote exacted by the law in existence prior to the one we have just quoted, and who in January 1, 1868, the date fixed in the third class in the act in question, would have been entitled to vote in Maryland but for the fact that he was a Negro, albeit he possessed none of the particular qualifications enumerated by the statute in question. Howard, the defendant in error in No. 9, was a Negro citizen possessing all the qualifications to vote required before the passage of the act in question, whose grandfather resided in Maryland and would have been entitled to vote on January 1, 1868 but for the fact that he was a Negro. Brown, the defendant in error in No. 10, also had all the qualifications to vote under the law previously existing and his father was a Negro residing in Maryland who would have been able to vote on the date named but for the fact that he was a Negro. The three parties thereupon began these separate suits to recover damages against the two registering officers who had refused to register them on the ground that thereby they had been deprived of a right to vote secured by the Fifteenth Amendment and that there was liability for damages under Section 1979 Rev. Stat., which is as follows:

"Every person who under color of any statute, ordinance, regulation, custom or usage, of any State or Territory, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof, to the deprivation of any rights, privileges or immunities secured by the Constitution and Laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

The complaints were demurred to and it would seem that every conceivable question of law susceptible of being raised was presented and considered, and the demurrers were overruled, the grounds for so doing being stated in one opinion common to the three cases (182 Fed. Rep., 223). The cases were then tried to the court without a jury, and to the judgments in favor of the plaintiffs which resulted these three separate writs of error were prosecuted.

The non-liability in any event of the election officers for their official conduct is seriously pressed in argument, and it is also urged that in any event there could not be liability under the Fifteenth Amendment for having deprived of the right to vote at a municipal election. But we do not undertake to review the considerations pressed on these subjects because we think they are fully disposed of by the ruling this day made in the Guinn case and by the very terms of Sec. 2004 Rev. Stat. when considered in the light of the inherently operative force of the Fifteenth Amendment as stated in the case referred to.

This brings us to consider the statute in order to determine whether its standards for registering and voting are repugnant to the Fifteenth Amendment. There are three general criteria. We test them by beginning at the third, as it is obviously the most comprehensive and, as we shall ultimately see, the keystone of the arch upon which all the others rest. In coming to do so it is at once manifest that barring some negligible changes in phraseology that standard is in all respects identical with the one just decided in the Guinn case to be repugnant to the Fifteenth Amendment and we pass from its consideration and approach the first and a subdivision numbered 2½. The first confers the right to register and vote free from any distinction on account of race or color upon all taxpayers assessed for at least $500. We put all question of the constitutionality of this standard out of view as it contains no express discrimination repugnant to the Fifteenth Amendment and it is not susceptible of being assailed on account of an alleged wrongful motive on the part of the lawmaker or the mere possibilities of its future operation in practice and because of the impossibility of finding discrimination on account of race or color discernible upon which the standard may rest, there is no room for the conclusion that it must be assumed, because of the impossibility of nding any other reason for its enactment, to rest alone upon a purpose to violate the Fifteenth Amendment. And as in order to dispose of the case, as we shall see, it is not necessary to examine the constitutionaliy of the other standards, that is, numbers 2 and 2½ relating to naturalized citizens and their descendants merely for the sake of argument we assume those two standards, without so deciding, to be also free from constitutional objection and come to consider the case under that hypothesis.

The result then is this, that the third standard is void because it amounts to a mere denial of the operative effect of the Fifteenth Amendment and, based upon that conception, proceeds to recreate and re-establish a condition which the Amendment prohibits and the existence of which had been previously stricken down in consequence of the self-operative force of its prohibitions; and the other standards separately considered are valid or are assumed to be such and therefore are not violative of the Fifteenth Amendment. On its face, therefore, this situation would establish that the request made by all the plaintiffs for registration was rightfully refused since even if the void standard be put wholly out of view, none of the parties had the qualifications necessary to entitle them to register and vote under any of the others. This requires us therefore to determine whether the two first standards which we have held were valid or have assumed to be so must nevertheless be treated as non-existing as the necessary result of the elimination of the third standard because of its repugnancy to the prohibition of the Fifteenth Amendment. And by this we are brought therefore to determine the interrelation of the provisions and the dependency of the two first including the substandard under the second upon the third; in other words, to decide whether or not such a unity existed between the standards that the destruction of one necessarily leaves no possible reason for recognizing the continued existence and operative force of the others.

In the Guinn case this subject was also passed upon and it was held that albeit the decision of the question was in the very nature of things a state one nevertheless in the absence of controlling state rulings it was our duty to pass upon the subject and that in doing so the overthrow of an illegal standard would not give rise to the destruction of a legal one unless such result was compelled by one or both of the following conditions: (a) Where the provision as a whole plainly and expressly established the dependency of the one standard upon the other and therefore rendered it necessary to conclude that both must disappear as the result of the destruction of either; and (b) where even although there was no express ground for reaching the conclusion the conclusion just stated, nevertheless that view might result from an overwhelming implication consequent upon the condition which would be created by holding that the disappearance of the one did not prevent the survival of the other, that is, a condition which would be so unusual, so extreme, so incongruous as to leave no possible ground for the conclusion that the death of the one had not also carried with it the cessation of the life of the other.

That both of these exceptions here obtain we think is clear: First, because looking at the context of the provision we think that the obvious purpose was not to subject to the exactions of the first standard (the property qualification) any person who was included in the other standards; and second, because the result of holding that the other standards survived the striking down of the third would be to bring about such an abnormal result as would bring the case within the second exception, since it would come to pass that every American born citizen would be deprived of his right to vote unless he was able to comply with the property qualification and all naturalized citizens and their descendants would be entitled to vote without being submitted to any property qualification whatever. If the clauses as to naturalization were assumed to be invalid, the incongruous result just stated would of course not arise but the legal situation would be unchanged since that view would not weaken the conclusion as to the unity of the provisions of the statute, but on the contrary would fortify it.

But it is argued even although this result be conceded, there nevertheless was no right to recover and there must be a reversal since if the whole statute fell, all the clauses providing for suffrage fell and no right to suffrage remained and hence no deprivation or abridgment of the right to vote resulted. But this is a changed form of statement advances propositions which we have held to be unsound in the Guinn case. The qualification of voters under the constitution of Maryland existed and the statute which previously provided for the registration and election in Annapolis was unaffected by the void provisions of the statute which we are considering. The mere change in some respects of the administrative machinery by the new statute did not relieve the new officers of their duty nor did it interpose a shield to prevent the operation upon them of the provisions of the Constitution of the United States and the statutes passed in pursuance thereof. The conclusive effect of this view will become apparent when it is considered that if the argument were accepted, it would follow that although the Fifteenth Amendment by its self-operative force without any action of the State changed the clause in the constitution of the State of Maryland conferring suffrage upon "every white male citizen" so as to cause it to read "every male citizen," nevertheless the Amendment was so supine, so devoid of effect as to leave it open for the legislature to write back by statute the discriminating provision by a mere changed form of expression into the laws of the State and for the state officers to make the result of such action successfully operative.

There is a contention pressed concerning the application of the statute upon which the suits were based to the acts in question. But we think in view of the nature and character of the acts of the self-operative force of the Fifteenth Amendment and of the legislation of Congress on the subject that there is no ground for such

contention.
Affirmed.

Mr. Justice McReynolds took no part in the consideration and decision of these cases.

States
New Orleans, La.

JUL 3 1915

A FALSE REPUBLICAN HOPE.

A curious misconception of the effect of the nullification of the grandfather clause in Southern constitutions is displayed in some of the comments in sections outside the South.

Thus a Washington correspondent of The Times-Picaqune represents the Republicans as taking fresh courage with regard to the negro vote. It is even said they are to send emissaries into this section in the hope of encouraging thousands of the race to return to the electorate.

As a matter of fact, however, as we pointed out the other day, the effect of the decision will be inappreciable in Louisiana and just as inappreciable in the other Southern States which possess grandfather clauses.

What appears not to be understood is that the purpose of the grandfather clause was not to exclude negroes from the polls. It was only to open an avenue to a proportion of whites who might not otherwise be able to qualify.

Not a single negro was eliminated by the grandfather clause. The elimination of the bulk of the race in the South was through the operation of the educational and property qualifications, the constitutionality of which the Supreme Court has upheld, and the fact that the negro has ceased to take an interest in politics.

Roughly, we should say ,there are 150,000 white registered voters in Louisiana. Of that number those who have been voting under the grandfather clause are probably less than three or four thousand. Even if they cannot qualify under the educational or property tests it is patent how little effect their elimination can have on the electorate, when the total number of negro voters is less than those on the grandfather roll.

The Berlin Red Cross Society has established many eating rooms in which dinners may be obtained for very little money. At the outbreak of the war 20,000 persons ate in these halls daily, but that number has now been reduced to about 1,500.

THE GRANDFATHER CLAUSE.

a dventures 6-23-15

The decision of the Supreme Court of the United States in the Oklahoma suffrage case practically invalidates the so-called "Grandfather Clause" in various constitutions of Southern States. But the decision ,no matter what its effect may be, has no application to the constitutional requirements for registration in Alabama, where the "Grandfather's clause" is no longer in operation. The "Grandfather clause" was put into the Alabama Constitution in 1901 as a temporary expedient. It expired on December 20th, 1902. On January 21st, 1903, the permanent plan of registration went into effect and it is still in effect. It does not contain the "Grandfather clause."

What is the "Grand father clause?" Perhaps the constitution of Alabama contains the best answer to that question. Alabama in 1901 was a leader among the Southern States in the revision of State constitutions—the revision being made for the purpose of eliminating an ignorant and vicious vote, and so to end the widespread evil of ballot box stuffing. Alabama in that convention evolved the "Grandfather clause." In the Suffrage Article of the constitution, Section 180, it sets out as entitled to registration.

First, all who have honorably served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or who voluntarily served in the land or naval forces of the Confederate States in the war between the States; or

Second, the lawful descendants of persons who honorably served in the land or naval forces of the United States, or in the war of the American revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the land or naval forces of the Confederacy, or of the State of Alabama in the war between the States; or,

Third, all persons who are of good character, or who understand the duties and obligations of good citizenship.

This was the Temporary Plan of registration in Alabama which was in force until the Permanent Plan went into effect on January 1st, 1903. The Permanent Plan of registration, or what is now the Suffrage Article of the Alabama Constitution, does not contain the "Grandfather clause," and therefore Alabama is not especially interested in the effects of the decision of the Oklahoma case.

The "Grandfather's clause" went down before the contention of the court that "provisions recurring conditions which existed before the adoption of the Fifteenth Amendment to the Federal Constitution," were in conflict with the constitution. In other States, this holding of the court will effect the suffrage laws adopted under the disputed clause, but in Alabama that clause passed out in 1902.

ST LOUIS CLOBE DEMOCRAT

JUN 24 1915

GRANDFATHER CLAUSE VOID.

The Supreme Court of the United States, in holding the Oklahoma "grandfather clause" constitutional amendment and the Annapolis (Md.) statute of similar character invalid, seems to have rendered a decision which will sweep away the subterfuges for evading the provisions of the suffrage amendment of the federal constitution used by several Southern states. The court for the first time meets the essential issue. The Oklahoma constitution pretended to establish a literary test for suffrage. But it exempted from its provisions all persons who were voters in any form of government prior to January 1, 1866, or descendants of such voters. States may fix many requirements for suffrage, such as residence, mental condition, education, and ownership of property. They may deny the vote to various classes of the population. But the Supreme Court seems finally to have held that they cannot deny it to men solely on account of their race, color or previous condition of servitude, through the fixing of arbitrary dates intended to affect only ex-slaves and their descendants.

The Oklahoma grandfather clause was, as everybody admitted at the time it was pending, directed solely at the 8 per cent negro population. Indians were exempted from its provisions, for the tribes had "a form of government." Literally applied, many others than negroes would have been barred, but in practice none have been Prior to 1866 there were a few states of the Union which did not have universal manhood suffrage. It would have affected descendants of certain Europeans not naturalized by 1866. But in practice no white man was asked as to his ancestral disabilities. The literacy test of the negro was a farce in most of the counties. At one election professors in the colored college were disfranchised, although highly educated. In some places negroes were compelled to write 4000 words of the constitution, only to be denied the vote because a few "t's" were not crossed. In some counties the election officials enforced the clause fairly, but as a general thing it was made a test of endurance rather than of literacy. Its object was to disfranchise enough Republicans to overcome the falling off in the Democratic vote. It was adopted by use of a trick ballot, which "voted itself" unless scratched out, and the returns were not made in conformity with the provisions of the constitution as interpreted in county seat elections. The governor will doubtless call an extra session of the Legislature, either to separate state from federal elections or to devise some new way of keeping the Democrats in power.

WHOLE LAW MAY BE THROWN OUT

Uncertain Position Of North Carolina Suffrage Amendments

WORDING OF AMENDMENTS

So Framed That Entire Suffrage Restrictions Fall With Grandfather Clause

(Special to Journal and Guide).

Greensboro N. C. July 8.—There is much uneasiness among Democrats and Lily-white Republicans in this state over the probable effect of the recent Supreme Court decision on the North Carolina amendment restricting suffrage, and there is much speculation as to whether the whites registered under the grandfather clause are not liable to be automatically disfranchised under the provisions of the law.

Article VI section 5, of the constitution provides "That this amendment to the constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts and to make them so dependent upon each other that the whole shall stand or fall together."

Many well known lawyers of the state have expressed the opinion that if this section shall have the effect that it was intended to have the entire amendment goes out.

It is interesting to note the concern of certain Republicans in the outcome of the decision. In a lengthly statement issued the other day Chairman Frank A. Linney of the Republican State Executive Committee expressed the hope that if the rest of the amendment went out with the grandfather clause some way could be found for protecting the white men who registered under its provisions.

Court Decisions Affecting the Negro—1915

SUPREME COURT DECISION IN FULL

Complete Text of the Most Important Decision Ever Given as Regards the Citizenship of the Negro in the United States

ONE OKLAHOMA CASE, THREE MARYLAND CASES

Opinion the Unanimous Verdict of the Court, With Mr. Justice McReynolds Not Sitting in the Cases, Handed Down by Mr. Chief Justice White, a Native Southerner and Former Confederate Soldier.

Below is given the full text of the two decisions handed down by the Supreme Court of the United States on June 21, 1915, defining the status of the election laws of Oklahoma and Maryland, and declaring unconstitutional the "grandfather clause" enacted by several of the Southern States with the object of excluding the Negro voters from an exercise of the franchise.

In the case from Oklahoma (Frank Guinn and J. J. Beal vs. The United States:—on a certificate from the United States Circuit Court of Appeals for the Eighth Circuit). Mr. Chief Justice White delivered the opinion of the Court as follows

This case is before us on a certificate drawn by the court below as the basis of two questions which are submitted for our solution in order to enable the court correctly to decide issues in a case which it has under consideration. Those issues arose from an indictment and conviction of certain election officers of the State of Oklahoma (the plaintiffs in error) of the crime of having conspired unlawfully, wilfully and fraudulently to deprive certain Negro citizens, on account of their race and color, of a right to vote at a general election held in that State in 1910, they being entitled to vote under the state law and which right was secured to them by the Fifteenth Amendment to the Constitution of the United States. The prosecution was directly concerned with Section 5508 Revised Statutes, now Section 19 of the Penal Code which is as follows:

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years, and shall, moreover, thereafter be ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States."

We concentrate and state from the certificate only matters which we deem essential to dispose of the questions asked.

Suffrage in Oklahoma was regulated by Section 1, of Article III of Constitution under which the State was admitted into the Union. Shortly after the admission there was submitted an amendment to the Constitution making a radical change in that article which was adopted prior to November 8, 1910. At an election for members of Congress which followed the adoption of this Amendment certain electin officers in enforcing its provisions refused to allow certain Negro citizens to vote who were clearly entitled to vote under the provision of the Constitution under which the State was admitted, that is, before the amendment, and who, it is equally clear, were not entitled to vote under the provision of the suffrage amendment if that amendment governed. The persons so excluded based their claim of right to vote upon the original Constitution and upon the assertion that the suffrage amendment was void because in conflict with the prohibitions of the Fifteenth Amendment and therefore afforded no basis for denying them the right guaranteed and protected by that Amendment. And upon the assumption that this claim was justified and that the election officers had violated the Fifteenth Amendment in denying the right to vote, this prosecution, as we have said, was commenced. At the trial the court instructed that by the Fifteenth Amendment the States were prohibited from discriminating as to suffrage because of race, color, or previous condition of servitude and that Congress in pursuance of the authority which was conferred upon it by the very terms of the Amendment to enforce its provisions had enacted the following (Rev. Sat. sec. 2004):

"All citizens of the United States who are otherwise qualified by law to vote at any election by the people of any State, Territory, district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding."

It then instructed as follows:

"The State amendment which imposes the test of reading and writing any section of the State constitution as a condition to voting to persons not on or prior to January 1, 1866, entitled to vote under some form of government, or then residents in some foreign nation, or a lineal descendant of such person, is not valid, but you may consider it in so far as it was in good faith relied and acted upon by the defendants in ascertaining their intent and motive. If you believe from the evidence that the defendants formed a common design and cooperated in denying the colored voters of Union Township precinct, or any of them, entitled to vote, the privilege of voting, but this was due to a mistaken belief sincerely entertained by the defendants as to the qualifications of the voters—that is, if the motive actuating the defendants was honest, and they simply erred in the conception of their duty—then the criminal intent requisite to their guilt is wanting and they cannot be convicted. On the other hand, if they knew or believed these colored persons were entitled to vote, and their purpose was to unfairly and fraudulently deny the right of suffrage to them, or any of them entitled thereto, on account of their race and color, then their purpose was a corrupt one, and they cannot be shielded by their official positions."

The questions which the court below asks are these:

"1. Was the amendment to the constitution of Oklahoma, heretofore set forth valid?

"2. Was that amendment void in so far as it attempted to debar from the right or privilege of voting for a qualified candidate for a Member of Congress in Oklahoma unless they were able to read and write any sction of the constitution of Oklahoma, Negro citizens of the United States who were otherwise qualified to vote for a qualified candidate for a Member of Congress in that State, but who were not, and none of whose lineal ancestors was, entitled to vote under any form of government on January 1, 1866, or at any time prior thereto, because they were then slaves?"

As these questions obviously relate to the provisions concerning suffrage in the original constitution and the amendment to those provisions which forms the basis of the contravtrsy, we state the text of both. The original clause so far as material was this:

"The qualified electors of the State shall be male citizens of the United States, male citizens of the State, and male persons of Indian descent native of the United States, who are over the age of twenty-one years, who have resided in the State one year, in the county six months, and in the election district thirty days, next preceding the election at which any such elector offers to vote."

And this is the amendment:

"No person shall be registered as an elector of this State or be allowed to vote in any election herein, unless he be able to read and write any section of the constitution of the State of Oklahoma; but no person who was, on January 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendant of such person, shall be denied to register and vote because of his inability to so read and write sections of such constitution. Precinct election inspectors having in charge the registration of elections shall enforce the provisions of this section at the time of registration, provided registration be required. Should registration be dispensed with, the provisions of this section shall be enforced by the precinct election officer when electors apply for ballots to vote."

Considering the questions in the light of the text of the suffrage amendment it is apparent that they are twofold because of the twofold character of the provisions as to suffrage which the amendment contains. The first question is concerned with that provision of the amendment which fixes a standard by which the right to vote is given upon conditions existing on January 1, 1866, and relieves those coming within that standard from the standard based on a literacy test which is established by the other provision of the amendment. The second questions asks as to the validity of the literacy test and how far, if intrinsically valid, it would continue to exist and be operative in the event the standard based upon January 1, 1866 should be held to be illegal as violative of the Fifteenth Amendment.

To avoid that which is unnecessary let us at once consider and sift the proposition of the United States on the one hand and of the plaintiffs in error on the other, in order to reach with precision the real and final question to be considered. The United States insists that the provision of the amendment which fixes a standard based upon January 1, 1866, is repugnant to the prohibitions of the Fifteenth Amendment because in substance and effect that provision, if not an express, is certainly an open repudiation of the Fifteenth Amendment and hence the provision in question was stricken with nullity in its inception by the self-operative force of the Amendment, and as the result of the same power was at all subsequent times devoid of any vitality whatever.

For the plaintiffs in error on the other hand it is said the States have the power to fix standards for suffrage and that power was not taken away by the Fifteenth Amendment but only limited to the extent of the prohibitions which that Amendment established. This being true, as the standard fixed does not in terms make any discrimination on account of race, color, or previous condition of servitude, since all, whether Negro or white, who come within its requirements enjoy the privilege of voting, there is no ground upon which to rest the contention that the provision violates the Fifteenth Amendment. This, it is insisted, must be the case unless it is intended to expressly deny the state's right to provide a standard for suffrage, or what is equivalent thereto, to assert: (a) that the judgment of the State exercised in the exertion of that power is subject to Federal judicial review or supervision, or (b) that it may be questioned and be brought within the prohibitions of the Amendment by attributing to the legislative authority an occult motive to violate the Amendment or by assuming that an exercise of the otherwise lawful power may be invalidated because of conclusions concerning its operation in practical execution and resulting discrimination arising therefrom, albeit such discrimination was not expressed in the standard fixed or fairly to be implied but simply arose from inequalities naturally inhering in those who must come within the standard in order to enjoy the right to vote.

On the other hand the United States denies the relevancy of these contentions. It says state power to provide for suffrage is not disputed, although, of course, the authority of the Fifteenth Amendment and the limit on that power which it imposes is insisted upon. Hence, no assertion denying the right of a state to exert judgment and discretion in fixing the qualification of suffrage is advanced and no right to question the motive of the state in establishing a standard as to such subjects under such circumstances or to review or supervise the same is relied upon and no power to destroy an otherwise valid exertion of authority upon the mere ultimate operation of the power exercised is asserted. And applying these principles to the very case in hand the argument of the Government in substance says: No question is raised by the Government concerning the validity of the literacy test provided for in the amendment under consideration as an independent standard since the conclusion is plain that that test rests on the exercise of state jugment and therefore cannot be here assailed either by disregarding the state's power to judge on the subject or by testing its motive in enacting the provision. The real question involved, so the argument of the Govern-

ment insists, is the repugnancy of the standard which the amendment makes, based upon the conditions existing on January 1st, 1866, because on its face and inherently considering the substance of things, that standard is a mere denial of the restrictions imposed by the prohibitions of the Fifteenth Amendment and by necessary result re-creates and perpetuates the very conditions which the Amednment was intended to destroy. From this it is urged that no legitimate discretion could have entered into the fixing of such standard which involved only the determination to directly set at naught or by indirection avoid the commands of the Amendment. And it is insisted that nothing contrary to these propositions is involved in the contention of the Government that if the standard which he suffrage amendment fixes based upon the conditions existing on January 1, 1866, be found to be void for the reasons urged, the other and literacy test is also void, since that contention rests, not upon any assertion on the part of the Government of any abstract repugnancy of the literacy test to the prohibitions of the Fifteenth Amendment, but upon the relation between that test and the other as formulated in the suffrage amendment and the inevitable result which it is deemed must follow from holding it to be void, if the other is so declared to be.

Looking comprehensively at these contentions of the parties it plainly results that the conflict between them is much narrower than it would seem to be because the premise, which the arguments of the plaintiffs in error attribute to the propositions of the United States is not denied. On the very face of things it is clear that the United States disclaims the gloss put upon its contentions by limiting them to the propositions which we have hitherto pointed out, since it rests the contentions which it makes as to the assailed provision of the suffrage amendment solely upon the ground that it involves an unmistakable, although it may be a somewhat disguised, refusal to give effect to the prohibitions of the Fifteenth Amendment by creating a standard which it is repeated but calls to life the very conditions what that Amednment was adopted to destroy and which it had destroyed.

The questions then are: (1) Giving to the propositions of the Government the interpretation which the Government puts upon them and assuming that the suffrage provision has the significance which the Government assumes it to have, is that provision as a matter of law repugnant to the Fifteenth Amendment? which leads us of course to consider the operation and effect of the Fifteenth Amendment. (2) If yes, has the assailed amendment in so far as it fixes a standard for voting as of January 1, 1866, the meaning which the Government attributes to it? which leads us to analyze and interpret that provision of the amendment. (3) If the investigation as to the two prior subjects establishes that the standard fixed as of January 1, 1866, is void, what if any effect does that conclusion have upon the literacy standard otherwise established by the amendment? which involves determining whether that standard, if legal, may survive the recognition of the fact that the other or 1866 standard has not and never had any legal existence. Let us consider these subjects under separate headings.

1. The operation and effect of the Fifteenth Amendment. This is its text:

> "Section 1. That right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> "Section 2. The Congress shall have power to enforce this article by appropriate legislation."

(a) Beyond doubt the Amendment does not take away from the state government in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of state and national authority under the Constitution and the organization of both governments rest would be without support and both the authority of the nation and the state would fall to the ground. In fact, the very command of the Amendment recognizes the possession of the general power by the State, since the Amendment seeks to regulate its exercise as to the particular subject with which it deals.

(b) But it is equally beyond the possibility of question that the Amendment in express terms restricts the power of the United States or the States to abridge or deny the right of a citizen of the United States to vote on account of race, color or previous condition of servitude. The restriction is coincident with the power and prevents its exertion in disregard of the command of the Amendment. But while this is true, it is true also that the Amendment does not change, modify or deprive the States of their full power as to suffrage except of course as to the subject with which the Amendment deals and to the extent that obedience to its command is necessary. Thus the authority over suffrage which the States possess and the limitation which the Amendment imposes are coordinate and one may not destroy the other without bringing about the destruction of both.

(c) While in the true sense, therefore, the Amendment gives no right of suffrage, it was long ago recognized that in operation its prohibition might measureably have that effect; that is to say, that as the command of the Amendment was self-executing and reached without legislative action the conditions of discrimination against which it was aimed, the result might arise that as a consequence of the striking down of a discriminating clause a right of suffrage would be enjoyed by reason of the generic character of the provision which would remain after the discrimination was stricken out. Ex parte Yarborough, 110 U. S. 651; Neal v. Delaware, 103 U. S. 370. A familiar illustration of this doctrine resulted from the effect of the adoption of the Amendment on state constitutions in which at the time of the adoption of the Amendment the right of suffrage was conferred on all white male citizens, since by the inherent power of the Amendment the word white disappeared and therefore all male citizens without discrimination on account of race, color or previous condition of servitude came under the generic grant of suffrage made by the state.

With these principles before us how can there be room for any serious dispute concerning the repugnancy of the standard based upon January 1, 1866, (a date which preceded the adoption of the Fifteenth Amendment), if the suffrage provision fixing that standard is susceptible of the signicance which the Government attributes to it? Indeed, there seems no escape from the conclusion that to hold that there was even possibility for dispute on the subject would be but to declare that the Fifteenth Amendment not only had not the self-executing power which it has been recognized to have from the beginning, but that its provisions were wholly mere forms of expression embodying no exercise of judgment and resting upon no discernible reason other than the purpose to disregard the prohibitions of the amendment by creating a standard of voting which on its face was in substance but a revitalization of conditions which when they prevailed in the past had been destroyed by the self-operative force of the Amendment.

2. The standard of January 1, 1866, fixed in the suffrage amendment and its significance.

The inquiry of course here is, Does the amendment as to the particular standard which this heading embraces involve the mere refusal to comply with the commands of the Fifteenth Amendment as previously stated? This leads up for the purpose of the analysis to recur to the text of the suffrage amendment. Its opening sentence fixes the literacy standard which is all-inclusive since it is general in its expression and contains no word of discrimination on account of race or color or any other reason. This however is immediately followed by the provisions creating the standard based upon the condition existing on January 1, 1866, and carving out those coming under that standard from the inclusion in the literacy test which have controlled them but for the exclusion thus expressly provided for. The provision is this:

> "But no person who was, on January 1, 1866, or at any time prior therto, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendant of such person, shall be denied the right to register and vote because of his inability to so read and write sections of such constitution."

We have difficulty in finding words to more clearly demonstrate the conviction we entertain that this standard has the characteristics which the Government attributes to it than does the mere statement of the text. It is true it contains no express words of an exclusion from the standard which it establishes of any person on account of race, color, or previous condition of servitude prohibited by the Fifteenth Amendment, but the standard itself inherently brings that result into existence since it is based purely upon a period of time before the enactment of the Fifteenth Amendment and makes that period the controlling and dominant test of the right of suffrage. In other words, we seek in vain for any ground which would sustain any other interpretation but that the provision, recurring to the conditions existing before the Fifteenth Amendment was adopted and the continuance of which the Fifteenth Amendment prohibited, proposed by in substance and effect lifting those conditions over to a period of time after the Amendment to make them the basis of the right to suffrage conferred in direct and positive disregard of the Fifteenth Amendment. And the same result, we are of opinion, is demonstrated by considering whether it is possible to discover any basis of reason for the standard thus fixed other than the purpose above stated. We say this because we are unable to discover how, unless the prohibitions of the Fifteenth Amendment were considered, the slightest reason was afforded for basing the classification upon a period of time prior to the Fifteenth Amendment. Certainly it cannot be said that there was any peculiar necromancy in the time named which engendered attributes affecting the qualification to vote which would not exist at another and different period unless the Fifteenth Amendment was in view.

While these considerations establish that the standard fixed on the basis of the 1866 test is void, they do not enable us to reply even to the first question asked by the court below, since to do so we must consider the literacy standard established by the suffrage amendment and the possibility of its surviving the determination of the fact that the 1866 standard never took life since it was void from the beginning because of the operation upon it of the prohibitions of the Fifteenth Amendment. And this brings us to the last heading:

3. The determination of the validity of the literacy test and the possibility of surviving the disappearance of 1866 standard with which it is associated in the suffrage amendment.

No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted. Whether this test is so connected with the other one relating to the situation on January 1, 1866, that the invalidity of the latter requires the rejection of the former is really a question of state law, but in the absence of any decision on the subject by the Supreme Court of the State, we must determine it for ourselves. We are of opinion that neither forms of classification nor methods of enumeration should be made the basis of striking down a provision which was independently legal and therefore was lawfully enacted because of the removal of an illegal provision with which the legal provision or provisions may have been associated. We state what we hold to be the rule thus strongly because we are of opinion that on a subject like the one under consideration involving the establishment of a right whose exercise lies at the very basis of government a much more exacting standard is required than would ordinarily obtain where the influence of the declared unconstitutionality of one provision of a statute upon another and constitutional provision is required to be fixed. Of course, rigorous as is this rule and imperative as is the duty not to violate it, it does not mean that it applies in a case where it expressly appears that a contrary conclusion must be reached if the plain letter and necessary intendment of the provision under consideration so compels, or where such a result is rendered necessary because to follow the contrary course would give rise to such an extreme and anomalous situation as would cause it to be impossible to conclude that it could have been upon any hypothesis whatever within the mind of the law-making power.

Does the general rule here govern or is the case controlled by one or the other of the exceptional conditions which we have just stated, is then the remaining question to be decided. Coming to solve it we are of opinion that by a consideration of the text of the suffrage amendment in so far as it deals with the literacy test and to the extent that it creates the standard based upon conditions existing on January 1, 1866, the case is taken out of the general rule and brought under the first of the exceptions stated. We say this because in our opinion the very language of the suffrage amendment expresses, not by implication nor by forms of classification nor by the order in which they are made, but by direct and positive language the command that the persons embraced in the 1866 standard should not be under any conditions subjected to the literacy test, a command which would be virtually set at naught if on the obliteration of the one standard by the force of the Fifteenth Amendment the other standard should be held to continue in force.

The reasons previously stated dispose of the case and make it plain that it is our duty to answer the first question, No, and the second, Yes; but before we direct the entry of an order to that effect we come briefly to dispose of an issue the consideration of which we have hitherto postponed from a desire not to break the continuity of discussion as to the general and important subject before us.

In various forms of statement not challenging the instructions given by the trial court concretely considered concerning the liability of the election officers for their official conduct, it is insisted that as in connection with the instructions the jury was charged that the suffrage amendment was unconstitutional because of its repugnancy to the Fifteenth Amendment, theretofore taken as a whole the charge was erroneous. But we are of opinion that this contention is without merit, especially in view of the doctrine long since settled concerning the self-executing power of the Fifteenth Amendment and of what we have held to be the nature and character of the suffrage amendment in question. The contention concerning the inapplicability of Section 5508, Revised Statutes, now Section 19 of the Penal Code, or of its repeal by implication, is fully answered by the ruling this day made in United States

(See next Card)

Court Decisions Affecting the Negro – 1915

The New York Age
7/8/15

A WORD OF WARNING TO SOUTHERN DEMOCRATS.

Orleuntion 6-24-15

In rejoicing over the decision of the United States Supreme Court in which the so-called "grandfather clause" in the suffrage sections of the constitutions of Maryland and Oklahoma were declared invalid, The New York World falls into an error. It is fortunate that the assertions of The World are not true.

We quote:

> Yesterday's judgment relates to conditions in Maryland and Oklahoma, but it covers every law, constitutional or statutory, in every State south of Mason and Dixon's line in which manhood suffrage has been denied and the color line drawn. It is more than a mere assertion of right. It holds to responsibility under the law all who deny the right.

As stated in The Advertiser yesterday, the decision does not affect Alabama. The "grandfather clause" in our constitution automatically expired over ten years ago. Alabama is protected from an undesirable rule by virtue of other clauses in her constitution, notably the educational clause and the poll tax requirements. The cumulative poll tax system is the soundest insurance of white rule in Alabama.

Going further into its subject, The World exclaims:

> Every outcast in a Republic * * * gives oligarchy, bigotry, and aristocracy an excuse for banishing others on any ground that prejudice may name.

The World here comes dangerously near repudiating its sound and well known doctrine that "suffrage is a State issue." While supporting woman suffrage in New York State, The World has opposed amending the Federal Constitution so as to enfranchise all women. In this The world is right. Why cannot The World, therefore, gain its consent to let the States regulate negro suffrage?

The World would never consent to this. And what is worse there is a powerful element in the politics in our country that will not in future be as conservative as The World is in the matter of woman suffrage. We are moved, therefore, to take advantage of this opportunity to call attention to some of the signs of the times, and again to warn the Democrats of Alabama and of the South of the menace ahead.

So able and astute a constitutional lawyer as Elihu Root of New York has boasted on the floor of the Senate of the United States that Congress may at any time it sees fit pass legislation that would upset the suffrage regulations of the Southern States. It is possible for Washington to tear down the feeble safeguards which the Democrats of Alabama have built up.

There are three men in this country who have already declared their faith in the policies, the inauguration of which would have the effect of upsetting the suffrage status of the South, unhorsing and making a virtual non-entity of the South in the affairs of the Republic.

These three men are: William Jennings Bryan, Richmond Pearson Hobson and Theodore Roosevelt.

Neither of these gentlemen has any respect for State lines, nor any patience with the restraints

which our ancient political system imposes.

Each of them believes in the direct election of President and Vice-President by the people.

Each of them believes in woman suffrage by Federal enactment. Mr. Bryan, some time ago, while yet a member of the President's official family, indicated his belief that woman suffrage was a State question But Mr. Bryan is now a free man, with a long record of broken State lines behind him. Next year he will endeavor to have the National Democratic Convention write a plank favoring woman suffrage by Federal enactment. We predict this for a number of reasons, two of which are: Mr. Bryan has the Hobson temperament. Mr. Hobson in his campaign for the Senate last year declared from every stump that those who said he had favored a Federal amendment granting suffrage to women were misrepresenting him (although they were not) and the very first time after the election that the suffrage amendment came to an issue in the House, Mr. Hobson made a speech in favor of it. In the second place, Mr. Bryan was saying a year ago that prohibition was a State question. This year he gives every indication of a change of heart. Next year he, with Mr. Hobson, will endeavor to write a prohibition plank in the national platform. Therefore, if Mr. Bryan could change his mind about State's rights with respect to prohibition, he can change his mind with respect to woman suffrage. We take it that no one seriously questions the position of Mr. Bryan and Mr. Hobson with respect to the suffrage question. Mr. Roosevelt's views are too well known to call for comment.

What would the direct election of Presidents and Vice-Presidents, and woman suffrage by Federal amendment mean to the political integrity of the South?

In the first place Pennsylvania and New York alone could out-vote the Solid South. But there would be no Solid South, with the sex qualification removed by Washington, granting as it would the voting privilege alike to negro women and to negro men. Once Congress were dominated by an unsympathetic party, and once it started to tampering with Southern suffrage we need not fall into the fatuous hope that such a Congress would respect the regulations now in force in Southern States. Such a Congress might easily and willingly upset these regulations, once a premium were put upon negro votes in the South. When all people, not idiots and not minors, vote directly for President of the United States then will the premium have been put upon negro votes in the South—there would be the incentive to the evil workers whom we fear. No informed person can believe that the privileged interests which have always controlled the Republican party of the East would permit the large, vicious element in the South to vote against that element's ancient prejudices and stand by the Democratic party. Hence there would be no Solid South; there would be no more of Southern domination of our governmental affairs as is now the case.

William Jennings Bryan stands for this sort of thing.

Richmond Pearson Hobson stands for this sort of thing.

Theodore Roosevelt stands for this sort of thing.

American politics has never known three men more ambitious, or more zealous in advocacy of any whim which they mistakenly called principle than these three men

Let the Democrats of the South, who believe in our political system, who are still true to the ideals of our civilizations, and still proud of the glorious traditions of the past, pause and think long over these facts and circumstances.

Nineteen-sixteen is near at hand, and nineteen twenty is not much farther off.

Grandfather Clause

Nashville Banner. Advertiser 7-8-1

Hon. John B. Knox of Anniston, Ala., who was president of the constitutional convention of 1901 that framed the present Alabama constitution, says the recent decision of the Federal Supreme Court will not affect the Alabama suffrage provision, and, incidentally, that it will also leave unimpaired the provision made in the constitutions of Virginia and Georgia that were copied from that of Alabama. In an article contributed to The Anniston Sunday Star on this subject, Mr. Knox says:

"The Alabama suffrage plan, which was afterwards also adopted by the State of Virginia and by the State of Georgia, has not been passed upon by the Supreme Court of the United States. It was not considered and could not be considered in the decision in the Oklahoma case. The question involved in the Oklahoma case was altogether different. It is true in that case the court holds the suffrage provision of the constitution of Oklahoma defective, and rejects it as inoperative under the Fifteenth Amendment. It is equally true that this same provision, as copied from the Louisiana constitution, was considered by the constitutional convention of Alabama, and in like manner rejected as an unwise, not to say an unconstitutional measure of relief. It is idle, therefore, it seems to me, to say that the decision of the court in the Oklahoma case affects in any degree the integrity of the suffrage plan adopted in Alabama.

"Now, what is the Oklahoma plan? It is this, as I understand it, that only those can vote who were qualified to vote in 1866 and their descendants. In 1866 the negro could not vote. The plan deliberately selects a period antedating the adoption of the Fifteenth Amendment, and provides that only those who could vote before its adoption. The Supreme Court in this case holds that such a provision is necessarily in the teeth of the Fifteenth Amendment; that it is a wholesale exclusion of the negro because he is a negro, and was necessarily designed for this purpose. That this is the decision of the court is made manifest by the language of Mr. Chief Justice White in the opinion, where he says: 'It is true that it contains no express words of exclusion from the standard which it establishes of any person on account of race, color, or previous condition of servitude, prohibited by the Fifteenth Amendment, but the standard itself inherently brings that result into existence, since it is based purely upon a period of time before the enactment of the Fifteenth Amendment, and makes that period the controlling and dominant test of the right of suffrage.'

"But, mark you, the decision of the court, as here announced, is not directed against the extension of the privilege to the descendants of the voter who was entitled to vote in 1866, but is directed against the exclusion of those who could not vote in 1866. If, however, the court had upheld the right of the State to adopt the provision as to the voter qualified to vote in 1866 and the provision as to the exclusion of the citizen who was not entitled to vote in 1866, it is impossible to see how the right of the State could be denied to extend both the privilege and the exclusion to the descendants."

The Alabama constitution, it seems, created a property and educational qualification for suffrage but exempted citizens of good character who had served in the previous wars of the country and their descendants.

Mr. Knox argues that this made no sort of distinction on account of "race, color or previous condition of servitude." He argues it is patriotic and customary to reward soldiers and their descendants.

He also cites the fact that Massachusetts, in adopting an educational qualification for voters exempted those who were already voters.

In Alabama, Georgia and Virginia Mr. Knox says a negro soldier or the descendant of a negro soldier of character is not barred from the elective franchise, and that neither are negroes who have the property qualification, and that there is only no violation of the Fifteenth Amendment

THE NEGRO VOTE.

The decision of the United States Supreme Court in the grandfather suffrage clause cases from Oklahoma and Maryland is beginning to be understood; and the hopes aroused in some of the Republican leaders that it meant a restoration of the suffrage to all negroes are rapidly disappearing as they learn the facts—that the grandfather clause had practically nothing whatever to do with the negroes and neither added to nor reduced the number of negro voters, being designed to open the suffrage to illiterate whites. If all the grandfather clauses in the country meet with the same fate as those of Oklahoma and the Maryland towns, as seems inevitable, it will not increase the number of negroes voting by one. On the contrary, it will have the effect of disfranchizing a few who enjoy the suffrage now; for, as is not generally known, a number of negroes claim the ballot under the grandfather clause in Louisiana on the ground that their ancestors had voted in Massachusetts or some other Northern state prior to 1867. These negroes will be stricken from the "permanent roll" together with those of illiterate whites born there whenever the decision of the Supreme Court goes into effect in Louisiana. There is no political consolation in this for the Republicans and they will not be able to revive any real politics on this account; which news will be received with equal satisfaction by the Southern whites and by the negroes. The latter are indeed fortunate in not being shoved to the front to make capital for Republican politicians.

As a matter of fact, the decision in the Oklahoma case is not of the slightest political importance in the South. The question of negro suffrage has been settled—and settled rightly—by the poll tax and in other ways; and the grandfather cluase cut little or no part in the settlement; it merely helped to disarm any opposition from the illiterate whites. There is no chance of any revival of it, of the adoption of any modification. As our Washington correspondent points out, there is no disposition on the part of Southerners to adopt subterfuges to admit illiterate whites to the ballot. With our improved schools, it is felt that any white man who wishes to learn to read and write ought to be able to do so.

Indianapolis Ind

JUL 9 1915

THE SOUTH ON NEGRO SUFFRAGE

Southern editorial comment on the supreme court's rejection of the "grandfather clause" reveals a tolerant spirit. There is general acceptance of the fact that the Fifteenth amendment could not have been interpreted otherwise, and wherever there is a disposition to criticise, the offending states of Oklahoma and Maryland—and not the supreme court—are attacked. It is true that the decision strikes at discrimination and places illiterate negroes and illiterate white people under the same heading. Consequently, in many of the states where there is a large negro population, adjustment is made necessary. Such embarrassment is regarded as only temporary, and as far as the south's determination to enforce the literacy qualifications is concerned, the situation remains the same.

The Richmond News-Leader believes that the decision will be of "permanent benefit," and that "the future of the ballot in the south is made plainer." The Richmond Times-Dispatch sees no reason why the south should be "moved to special anguish" because now some southern states may have to abolish the "premium on ignorance" among white voters. The Times-Dispatch does not believe that the "grandfather clauses" are longer "vital to the south's protection," and "it is just as well they are to pass." The Baltimore News finds fault with Oklahoma and Maryland, "states in which there is no serious negro problem," for stirring up trouble. This criticism is somewhat narrow, as other states are concerned with the "grandfather clause." The Baltimore News accepts fully the scope of the Fifteenth amendment.

Court Decisions Affecting the Negro – 1915

ST LOUIS GLOBE DEMOCRAT

JUN 22 1915

GRANDFATHER CLAUSE VOID.

The Supreme Court of the United States, in holding the Oklahoma "grandfather clause" constitutional amendment and the Annapolis (Md.) statute of similar character invalid, seems to have rendered a decision which will sweep away the subterfuges for evading the provisions of the suffrage amendment of the federal constitution used by several Southern states. The court for the first time meets the essential issue. The Oklahoma constitution pretended to establish a literary test for suffrage. But it exempted from its provisions all persons who were voters in any form of government prior to January 1, 1866, or descendants of such voters. States may fix many requirements for suffrage, such as residence, mental condition, education, and ownership of property. They may deny the vote to various classes of the population. But the Supreme Court seems finally to have held that they cannot deny it to men solely on account of their race, color or previous condition of servitude, through the fixing of arbitrary dates intended to affect only ex-slaves and their descendants.

The Oklahoma grandfather clause was, as everybody admitted at the time it was pending, directed solely at the 8 per cent negro population. Indians were exempted from its provisions, for the tribes had "a form of government." Literally applied, many others than negroes would have been barred, but in practice none have been. Prior to 1866 there were a few states of the Union which did not have universal manhood suffrage. It would have affected descendants of certain Europeans not naturalized by 1866. But in practice no white man was asked as to his ancestral disabilities. The literacy test of the negro was a farce in most of the counties. At one election professors in the colored college were disfranchised, although highly educated. In some places negroes were compelled to write 4000 words of the constitution, only to be denied the vote because a few "t's" were not crossed. In some counties the election officials enforced the clause fairly, but as a general thing it was made a test of endurance rather than of literacy. Its object was to disfranchise enough Republicans to overcome the falling off in the Democratic vote. It was adopted by use of a trick ballot, which "voted itself" unless scratched out, and the returns were not made in conformity with the provisions of the constitution as interpreted in county seat elections. The governor will doubtless call an extra session of the Legislature, either to separate state from federal elections or to devise some new way of keeping the Democrats in power.

While the lawyers are rearguing the Harvester case before the Supreme Court, George Perkins will reargue it before the people.

NEW ORLEANS, PICAYUNE

JUN 22 1915

THE GRANDFATHER SUFFRAGE CLAUSE.

The Supreme Court of the United States has, by a unanimous decision, knocked out the "grandfather clause" of the Oklahoma constitution, borrowed from that of Louisiana and followed by a number of other Southern states, and it is presumed that all of these will be affected by the Oklahoma decision. The same suffrage qualification had been adopted in the town election in Annapolis, Maryland, and that also has been declared by the Supreme Court unconstitutional and of no effect.

The grandfather clause was suggested to the Louisiana convention of 1898 by Hon. Thomas J. Semmes a delegate from this city, who based it on a provision in an old constitution of Massachusetts which allowed certain illiterate voters to retain the suffrage after an educational qualification had been adopted. The amendment required that all future voters should be able to read and write well, provided the illiterate born voters on the rolls at that time were allowed to retain the francise. Thus the educational qualification was made only applicable to future voters.

This paper opposed the plan at the time because we believed that it was risky if not unconstitutional and would be so declared when the question reached the Federal Supreme Court; but the convention finally accepted it after wrangling over the matter for some time. It had been called together for the specific purpose of solving the suffrage problem and it could find no other way out of the difficulty than by the "grandfather clause." It had already run far beyond the time set for it to complete its work and was glad to adopt any plan that would solve or apparently solve the suffrage problem.

The state had gone through a very savage campaign that had nearly overwhelmed the Democratic party, in trying to settle the suffrage problem correctly and honestly. In 1896 the Legislature had submitted to the voters a proposition to base the suffrage on the ability to read and write.

The negroes were opposed to this; so were the illiterate whites; and the movement against the educational clause became so strong that the Democratic party became frightened and finally threw it overboard, and it was beaten overwhelmingly. Then followed the Constitutional Convention and the subterfuge of the "grandfather clause." It provided for an educational or property qualification, but made a special exemption in favor of those whose fathers and grandfathers had enjoyed the right to vote previous to 1867, to whom was given the suffrage by inheritance, they being placed on what was known as the permanent roll. By this plan, it was proposed to give the ballot to those whites who were unable to vote because they were illiterate and possessed no property. It proved largely a failure, as those whites whom it was desired to favor did not like to stamp themselves for all time as illiterate and would not sign; and the list was very meager until the author of the measure who had been president of the American Bar Association led off with his signature as well as a number of other educated gentlemen whose names did not belong there.

The proposition, however, accomplished its purpose, for it has taken a long time for the United States Supreme Court to reach it. Politically, it is of no little effect today. Most of those who were on the permanent roll and who claimed the right to vote from their grandfathers are dead, and the recent action of the Legislature in the matter is of little moment. These permanent roll voters who include a few negroes will lose their suffrage, but the great mass of the negroes will still remain disfranchised because of illiteracy. Chief Justice White in announcing the decision declared that no inhibition existed against restricting the suffrage to literates or property holders but that the defect lay in fixing an arbitrary date, such as 1866 or 1867, as time from which suffrage must date.

The action of the Supreme Court will throw upon the Constitutional Convention, soon to meet in this city, the obligation of providing new suffrage qualifications for Louisiana; and it is fortunate that the convention will meet so soon and correct this mistake of its predecessor. It will be simple enough. Let the convention restrict the ballot to those who can read and write. The grandfather clause is responsible, in large part, for the fact that so many white men in Louisiana would not learn to read and write and for the fact that Louisiana still remains at the head of the list of illiterate states.

BOSTON CHRISTAIN SCIENCE MONITOR

JUN 25 1915

Defeat of the "Grandfather Clause"

THE fourteenth amendment to the constitution of the United States provides that all persons native to or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. States are forbidden to make any law that shall change the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law. The fifteenth amendment declares that the right of the citizens to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude. Notwithstanding, since the ratification of these amendments, or since the close of the period of reconstruction following the civil war, several of the states of the Union, for reasons deemed by their legislative, judicial and executive officers to be sufficient, have devised, adopted and enforced methods for the limitation of the franchise right of negroes. Many of the earlier methods were hastily devised and were so crude and so defiant of constitutional authority that they were voluntarily dropped or soon prohibited by federal court decisions. About fifteen years ago, in the framing of a constitution for the new state of Oklahoma, there was invented for restriction of the negro vote a device that has come to be known as the "grandfather clause." Other states, among them Maryland, in time adopted this clause, but in the last named state it has been applied only to elections in municipalities.

The Oklahoma "grandfather clause" provides that "no person shall be registered as an elector in this state,

or be allowed to vote in any election herein, unless he be able to read and write any section of the constitution of the state of Oklahoma, but (and here is the clause in question) no person who was on Jan. 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendant of such person, shall be denied the right to register and vote because of his inability to so read and write sections of such constitution." In Maryland the law authorized the registration as voters of all taxpayers of a city assessed for at least $500; all duly naturalized citizens, all male children of naturalized citizens twenty-one years of age, and "all citizens who prior to Jan. 1, 1868, were entitled to vote in the state of Maryland, or any other state of the United States at a state election, and the lawful male descendants of any person who prior to Jan. 1, 1868, were entitled to vote in the state of Maryland, or in any other state of the United States at a state election."

It was held by defenders of the "grandfather clause" that it did not "deny" or "abridge," in a constitutional sense, the right of a negro to vote, but that it merely discriminated against him by allowing others to vote without meeting the qualifications imposed ostensibly upon all. Of course, this form of reasoning was unsound. Manifestly, the ostensible creation of a common qualification was a subterfuge. The decisions of the United States supreme court handed down on Monday by Chief Justice Edward D. White, declaring both the Oklahoma and the Maryland laws invalid, because repugnant to the fifteenth amendment, show plainly that the highest tribunal in the nation could not accept the "grandfather clause" as anything more than a subterfuge. The chief justice, himself a southerner, in his opinion says: "We are unable to discover how, unless the prohibitions of the fifteenth amendment were considered, the slightest reason was afforded for basing the classification upon a period of time prior to the fifteenth amendment. Certainly it cannot be said that there was any particular necromancy in the time named which engendered attributes affecting the qualifications to vote which would not exist at another and different period unless the fifteenth amendment was in view."

This disposes neatly and finally of the claim that there was no intention of violation of the fifteenth amendment, but it does better still: it disposes neatly and finally of the "grandfather clause."

Brooklyn Times

JUN 23 1915

"THE GRANDFATHER'S CLAUSE" DEAD.

When sixty years ago, Chief Justice Taney, of the United States Supreme Court, clothed the infamous formula that "the negro had no rights a white man is bound to respect" with the sanctity of law, the world little knew that the turbulent dictum was the last of its kind, and that chattel slavery was doomed on this continent. It took a long and bloody war to end the inhuman institution, but since the close of the conflict the negro has prospered, and the descendants of slaves have become men of education and wealth.

With singular fatuity, however, many Southern States have warped and twisted the Constitution and the statutes in the attempt to still hold the black man in some measure of political thraldom. These outrages on the common rights of humanity found palliation and excuse in the corruption, the mal-administration, and the public extravagance that characterized the reconstruction government of the Southern States after the war. These governments were founded, at least theoretically, on negro support, and in many instances black men with their first glimpse of freedom were entrusted with the full responsibility of public administration.

But these initial blunders are no excuse for the general legislation against negro suffrage that has been the disgrace of the South for almost fifty years. The iniquitous "grandfather's clause" was one of the most shameless, as it was one of the most iniquitous factors in this crusade against the rights of man. The Fifteenth Amendment to the Federal Constitution, adopted after the war, ordains that no State shall enact any law abridging or denying the right of any citizen to vote on account of race, color or previous condition of servitude.

The method used to defeat the purpose of the amendment was simple and apparently efficacious for a time. Thus Oklahoma, after its admission as a State, amended its own Constitution so as to provide a literacy test, but excluded from its operation all who could vote on January 1, 1866, or their descendants. The purpose was obviously to shut out the negro, as the Fifteenth Amendment to the Federal Constitution was not operative at the date mentioned, and this purpose was fulfilled. Subject to slight modifications, such legislation became more or less general in the South.

But now the United States Supreme Court, presided over by Chief Justice White, a gallant Confederate soldier, sweeps away this combination of infamy and effrontery, and all men in the United States will in the future stand equal before the law; with like rights, whether they be black or white.

This is a very excellent idea to call the Fifteenth Street Plaza "Calder Square." Its present name means nothing. The new name will mean to this borough a fitting tribute to a man who has done at least as much, if not more, than any of its inhabitants for its progress, welfare and future. Always on the square himself, what better means to reward the future United States Senator for his labors than having "Calder Square" writ in white on blue on the lamp posts?

The passing of the firm of Smith-Gray & Company removes from the local mart a name that has stood for much that is excellent in trade, and the discontinuance is regretted by all.

Washington Herald

JUN 23 1915

The Constitution Upheld.

The Supreme Court's unanimous opinion against the constitutionality of the "Grandfather Clause" as a means for evasion of the Fifteenth Amendment, comes at a time and in a way to give no excuse for the suggestion of partisan prejudice or sectionalism. The "Grandfather Clause" was first employed in Louisiana as a means of discriminating against the colored voter, by exempting from the literacy test and property assessment those whose fathers or grandfathers were entitled to vote prior to January 1, 1867, or prior to the adoption of the Fifteenth Amendment to the Federal Constitution, declaring that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race or color or previous condition of servitude. That law of Louisiana has stood for fifteen years and has been accepted as a model by several other Southern States, as a means of discriminating against the colored man at the polls. This method of ignoring the Fifteenth Amendment has been the subject of much acrimonious debate in Congress, which has always taken a partisan turn, and its introduction was usually called waving the bloody shirt.

There can be no complaint of partisan or sectional prejudice against this opinion handed down by the Chief Justice who is a distinguished citizen of Louisiana and a former Confederate soldier, and agreed to by two other justices who are from the South and have always been identified with the Democratic party. Such an opinion from the highest tribunal in the land, handed down in this way, ought to evidence the high sense of duty of the men who are there clothed with the power of protecting the Constitution of the United States. No one would suspect Chief Justice White of any but the highest motives in writing an opinion which in effect declares unconstitutional a part of the fundamental law of his own State, or Justices Lamar and McReynolds, who are also Southern men and Democrats. The Supreme Court has set the seal of disapproval on all efforts to evade as well as defy or ignore the Federal Constitution and the decisions in the cases from Oklahoma and Maryland, ought to have a good effect not only as to the force of the Fifteenth Amendment but as to the force of the whole Constitution which has been called the greatest of human documents.

Attempting to evade or change the Constitution, whenever any part of it stands in the way of our modern specialists has become a popular pastime in recent years, and there were more than two-score resolutions introduced in the Sixty-third Congress to amend this old charter of our liberties, among them several to repeal the Fifteenth Amendment. If the decision of the court against the "Grandfather Clause" will give us a rest from the efforts to tamper with the Constitution, it will be a great boon to the country.

Court Decisions Affecting the Negro – 1915

Detroit Mich
Free Press

JUN 23 1915

THE BLOW AT THE GRANDFATHER LAWS.

The supreme court of the United States has made a notable and far-reaching, almost epoch-making decision in declaring the so-called "grandfather" clauses of the Oklahoma and Maryland constitutions in violation of the national constitution and therefore invalid. These clauses, like many similar ones in the basic laws of the southern commonwealths, were manufactured for the avowed purpose of nullifying the fifteenth amendment, providing that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude." They were aimed, of course against the enfranchisement of the Negro, and all were more or less cunningly devised with a view to avoiding as far as possible open or direct conflict with the provision of the national constitution which we have just quoted. As they stand they are lawyers' devices, depending for their stability on technicalities and evasiveness, and they constitute in effect a defiance of the mandate of the nation.

In rendering its decision the supreme court was not concerned with the question of the wisdom or unwisdom of the fifteenth amendment. The court knows only that this amendment is a part of the fundamental law of the land and that good citizenship and the best interests of the nation as a whole demand that every part of that law be respected and obeyed and preserved from use as a football by legal acrobats.

We do not suppose that the decision of the court will be received with joy in all quarters. We are not blind to the fact that in some places it is likely to work actual hardship and cause vexatious and possibly dangerous upheavals in the social order. We can see how a great part of the south may become unsettled, and how radical readjustments along many lines may become necessary. The problems involved are most complex and difficult to solve. They are problems of which we in Michigan know nothing, and which it is hard for most of us to understand. Nevertheless the supreme court has done right and in the end its action may, we hope, lead to the adoption of some better device by the southern for the settlement of their social troubles ort to evasion of the federal constitution.

Ohio State Times
JUL 1 1915

A Humbug Issue.

Gov. Williams of Oklahoma indicates in an interview that he will advocate another device for disfranchising negroes to take the place of the one declared void by a unanimous decision of the United States Supreme Court. His new plan is to exempt from the pretended literacy test descendants of all men who served in the Revolutionary war, the war of 1812, the Mexican war, the Civil war, the Spanish-American war or any of the Indian wars and of men who have served in the National Guard or the United States army or navy. It is presumable that the statement of the illiterate would be sufficient, for he would not likely carry around documentary proof of his genealogy. Even the average literate person would have difficulty in bringing conclusive proof, as has been shown in divers will contests. This new plan is as obvious an evasion of the constitution as the one declared null, and the criminal statutes could be as successfully invoked in punishing election officials who deprived citizens of their rights "under color of statute."

But, whatever the situation in some Southern states, the race question is a humbug issue in Oklahoma. The negroes comprise but 8 per cent. of the population. They are in a majority in only one county, Wagoner. They are numerous in only four or five other counties. One negro sat in the Legislature, following statehood but the constitutional convention had gerrymandered a Logan County district for that purpose and leading Democrats were responsible for his candidacy. He was the "horrible example" used in the "grandfather campaign." The illiteracy issue is also a humbug in Oklahoma. There is practically no illiteracy in Western Oklahoma and that in Eastern Oklahoma is restricted to the rural districts and is fast disappearing. States with several times the percentage of negro population have no "grandfather" devices. Even Alabama, Georgia and South Carolina are more liberal to negroes, permitting them to vote when they own a small amount of property. The Oklahoma Democrats find the state uncomfortably close politically and their aim is to disfranchise a few thousand Republicans. In Eastern and Southern Oklahoma many negroes, much better educated than the election officials themselves, have been disfranchised. The seats of Congressman McGuire and Congressman Morgan were contested because the election officials in that section of the state "permitted negroes to vote." In other words, they enforced the law fairly.

Erie Pa. Dispatch
June 24/15

THE FIFTEENTH AMENDMENT

Our Supreme Court, presided over by a Chief Justice who was once a Confederate soldier, has unanimously reaffirmed the Fifteenth Amendment to the Constitution. This provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude."

Besides the Chief Justice there are two other Southern Justices on the Supreme Court, making the decision most significant. It has taken many years to reach this judgment of our highest Court and the unanimous decision will be a source of gratification, save among those who would still disfranchise the negro. The matter as to whether the negro vote is desirable is not at issue. The question was, Can a State nullify any portion of the National Constitution?

The immediate effect of the Court's decision was to uphold the conviction of two Oklahoma election officials who denied negroes the right to vote in a Congressional election, and toward three Maryland negroes damages from election officials in Annapolis who refused to register them. The Court held that these election officials could not ignore the potency of the Fifteenth Amendment in wiping out of State Constitutions the word "white" as a qualification for voting. In the Maryland case the Court's decision established the point that the Fifteenth Amendment applies alike to municipal as well as to Federal elections.

Discussing the Oklahoma cases, Chief Justice White said the Suffrage amendment to the State Constitution first fixed a literacy standard, and then followed it with a provision creating a standard based upon the condition existing on January 1, 1866, prior to the adoption of the Fifteenth Amendment, and eliminated those coming under that standard from the inclusion in the literacy test. The Court had difficulty, he said, in finding words to more clearly demonstrate its convictions that this action of the State recreated and perpetuated the very conditions which the Fifteenth Amendment was intended to destroy than the anguage used in the Amendment. The decision not only affects the immediate State laws considered, but carries with it the nullity of all similar laws.

There are property and literacy tests that will still disfranchise many blacks, but whites must be disfranchised as well. The Supreme Court has decided that the negro is a man and a citizen and that as far as voting is concerned, he is the equal of the white man. The suffrage problem will again become acute in the South and in many States there must be a readjustment. The decision will no doubt affect the growing sentiment for woman suffrage in States where the colored

ace form a large portion of the population. If it hould result in qualified suffrage it will mean an ntering wedge towards a most desirable system f franchise.

San Francisco Chronicle

JUN 23 1915

THE "GRANDFATHER CLAUSES."

Supreme Court Holds Them All in Violation of the Constitution.

THE so-called "grandfather clauses" in the constitutions of quite a number of states, to the effect that none may vote who could not acquire the right to do so in 1866, or whose ancestors, if in the state at that time, could not have done so, are obviously in violation of the Federal Constitution.

That Constitution declares that all persons born or naturalized in the United States are citizens of the United States and of the states in which they reside. It also provides that no state shall abridge the privileges of any citizen.

Any law which forbids any person to vote, who is born or naturalized in this country and who possesses the qualification of other voters within his state, is obviously unconstitutional, and sure to be set aside whenever a case could be presented to the Supreme Court. That has been done and the expected decision rendered.

Those who enacted these laws understood this as well as others, but in a situation which they considered desperate took their chances.

The Constitution does not forbid the exclusion from the franchise of persons whom the people of a state may consider unfit, or whom for any other reason they may think it desirable to exclude.

But the exclusion must apply impartially to all persons born or naturalized within the United States. And the Constitution explicitly provides that race or color or previous condition of servitude shall not be a bar to the right of suffrage.

Voting is not a privilege but a duty, and a service which those who possess it are morally bound to perform whenever called upon to do so—a moral requirement which exists, not for the benefit of the individual, but of the state.

The grandfather clause has unquestionably excluded from the franchise many who are unfit to hold it. It has also excluded many who are in all ways good citizens and competent electors.

As to what the result may be in the states which the decision affects, it is useless to guess. It may result in a purification of the electorate by laws equally applicable to all. And if in any state there are grouped large masses of the ignorant and generally unfit that is the sensible way to deal with the subject.

GRANDFATHERS' CLAUSE STILL ALIVE.

Booker T. Washington says the United States Supreme Court's decision in regard to the grandfathers' clause in the election laws of the South "does not have any particular significance." Mr. Washington is a man of broad grasp of mind and he has a thorough knowledge of the race problem in the South. He knows that the salvation of his race there does not depend on the ballot; that, in fact, the ballot in the past has been one of the chief obstacles to the uplift of the Southern black. Mr. Washington says truly: "Ignorance and rum are two of the worst evils the South has to deal with. We are making progress, however. We are endeavoring to teach the negro that rum is his worst enemy." Knowledge of this caused the Southern legislatures to pass laws intended to keep liquor away from the blacks, whil not inconveniencing the whites.

The only motive of the Southern prohibitory law was to compel the blacks to be abstinent. Mr. Washington is devoting his life to the education of hi race, recognizing ignorance to be a fatal bar to it advancement. He has accomplished wonders, but h has a monumental task. He has now the confidence of the white people of the South and has their cooperation in his great work.

And he believes with them that the Southern black will not be fit for the ballot until he is given education and intelligence enough to know that it means something more than "forty acres and a mule."

New Orleans, La.

State JUL 3 1915

A FALSE REPUBLICAN HOPE

A curious misconception of the effect of the nullification of the grandfather clause in Southern constitutions is displayed in some of the comment in sections outside the South.

Thus a Washington correspondent of The Times-Picaqune represents the Republicans as taking fresh courage with regard to the negro vote. It is even said they are to send emissaries into this section in the hope of encouraging thousands of the race to return to the electorate.

As a matter of fact, however, as we pointed out the other day, the effect of the decision will be inappreciable in Louisiana and just as inappreciable in the other Southern States which possess grandfather clauses.

What appears not to be understood is that the purpose of the grandfather clause was not to exclude negroes from the polls. It was only to open an avenue to a proportion of whites who might not otherwise be able to qualify.

Not a single negro was eliminated by the grandfather clause. The elimination of the bulk of the race in the South was through the operation of the educational and property qualifications, the constitutionality of which the Supreme Court has upheld, and the fact that the negro has ceased to take an interest in politics.

Roughly, we should say ,there are 150,000 white registered voters in Louisiana. Of that number those who have been voting under the grandfather clause are probably less than three or four thousand. Even if they cannot qualify under the educational or property tests it is patent how little effect their elimination can have on the electorate, when the total number of negro voters is less than those on the grandfather roll.

Philadelphia Public Ledger

28 June 1915

THE GRANDFATHER CLAUSE

South Views Supreme Court's Decision as Unimportant

From Charleston News and Courier.

The decision of the United States Supreme Court in regard to the "grandfather" clause of the Oklahoma State Constitution is made the subject of leading editorial articles in the New York World, the Springfield Republican and other Northern newspapers, in which the decision is hailed as a matter of the first importance. The World regards it as one of the greatest victories for the Constitution yet recorded. The Republican's discussion would lend the impression that the negro will probably now resume the political activities in which he engaged on so notorious a scale immediately following the passage of the 15th amendment. "The South," it says, "is again confronted with the suffrage problem by reason of this decision."

In a sense this may be true; but to all practical extents and purposes the situation remains much as it was in the South as a whole. In South Carolina the status of affairs has undergone no change whatsoever. There has never been any attempt in this State to enfranchise the men who were of voting age at the time of the adoption of the 15th amendment or their descendants. Such action was never necessary here. Before the "grandfather" clause" had been evolved this State wrested itself free from the domination of ignorant blacks, led by unscrupulous whites; and the negroes in this State lost their taste for politics years ago. The educational and property tests which were made a part of the State Constitution of 1895, and which are now approved by the highest court of the land, answered every purpose of restricting the negro vote in South Carolina. It is true, of course, that under this test most of the negroes of voting age could now qualify for the suffrage if they so desired. But in recent years they have given evidence of no serious inclinations in this direction, nor is it likely that they will do so unless encouraged to such a course by white politicians seeking to use them as did the Carpetbaggers of the seventies.

The Supreme Court's decision of Monday will not excite any great amount of interest in the South. At the moment the negro is not an active political factor in this section and the people generally do not fear that he will again become such a factor. Yet the decision is a reminder to them of the possibility of such an event; and it is because of this fact that the South retains its political solidarity as it does. The net result of the 15th amendment, the full force of which is now asserted by the Supreme Court, has been to prevent the white people of the Southern States from dividing upon political questions into those natural divisions which are the rule elsewhere. It has not given the negro any practical advantage whatsoever. Instead it has made matters more difficult for him. But it has repressed the development of a healthy political independence on the part of the whites.

That this has been regrettable from every point of view there are few to deny. It is a fact which the World in its rejoicings over Monday's decision can well afford to ponder.

SUPREME COURT HELPS MARYLAND NEGROES

Special to The New York Age.

BALTIMORE, Md., June 23.—The decision of the United States Supreme Court knocking out the "grandfather" clause in the Annapolis election law and in the Oklahoma constitution is especially gratifying to the colored citizens of Maryland. It was here that a United States District Court first declared the "grandfather" clause invalid, and the Frederick County Court also declared that way in May, 1913.

The decision will estop Democrats from again attempting to disfranchise the Negro. At this moment two factions in the Democratic party in Maryland are in a titanic struggle for control of the organization. On one side United States Senator Blair Lee is fighting for the Democratic nomination for Governor, and on the other side United States Senator John Walter Smith is backing Comptroller Emerson C. Harrington for the nomination. Both of these men are avowed enemies of Negro suffrage and civil rights, but they cannot promise disfranchisement now.

Maryland has already defeated three suffrage amendments passed by the legislature, and it is, as said before, the first State where disfranchisement has been successfully combatted, thereby paving the way for the disfranchised thousands of the South to regain their suffrage rights.

Court Decisions Affecting the Negro – 1915

Columbia Ohio Dispatch June 25

THE "GRANDFATHER" CLAUSE.

The overturning by the supreme court of the so-called "grandfather" clause in the election laws of some of the Southern states is being received with better grace by the press of that section of the country than many expected. The effect of the clause was to discriminate in favor of the illiterate whites, giving them the ballot and withholding it from negroes because neither they nor their ancestors had the franchise before the adoption of the fifteenth amendment. The clause was a trick to make it certain that the negro should not vote. There is no denial of that fact even in the South. The common judgment there seems to be that it has served its purpose and, on the decision of the supreme court, in which Southern justices joined, it must be abandoned.

The effect will probably be to increase the effort to wipe out illiteracy among the whites—perhaps, unhappily, to restrain the education of the negroes. Any effort in this latter direction would be deplorable, and it may not be made, if the election laws can be so reconstructed as to continue the domination of the whites, from which policy there is no visible purpose to recede.

St. Louis Post Dispatch

JUN 27 1915

MAKES NEGRO A CITIZEN.

Springfield Republican: The South is again confronted with the suffrage problem by reason of this decision. The nullity of the Oklahoma law carries with it the nullity of all similar laws. Practically, the effect need not be the capture of the state governments, the county governments and the municipal governments by ignorant masses of voters again enfranchised. Literacy and property tests for voting applied as hitherto would insure government by the educated portion of the population and also that portion having a property stake in the community. What is now necessary is that the ignorant and illiterate white as well as the ignorant and illiterate black shall be barred. The Supreme Court has decreed that the negro shall be judged by his qualifications as a citizen like other citizens; it has, in brief, made a man of him once more.

The "Grandfather" Decision.

The weakness of the "grandfather" clauses in State Constitutions now declared invalid by the Federal Supreme Court was simply that they did not go far enough. No man with a spark of common sense will condemn a State for attempting to safeguard its community life against the perils of the ballot in the hands of illiterate blacks; the only pity is that the framers of the provisions in question did not see that illiteracy is a peril to the State, no matter what the color of the skin of the illiterate. There is no Commonwealth in the Union that would not be better off, in every respect, if the ballot were withheld from every man unable to read and write. In a country where a daily newspaper costs 1 cent and faithfully reflects every aspect of life, public and private, reading is an elementary necessity of full citizenship. The Republic hopes to see the States with "grandfather" clauses in their organic law hold as firm a hand against the black illiterate as ever—and join the white illiterate with him in a common exclusion from the privileges of the ballot.

Augusta, Ga.

JUN 27 1915

The "Grandfather" Clause.

The Springfield Republican is held up as one of the best eastern newspapers, and as "safe and sane" on many topics, though not on all.

There may be interest in its comment on the recent important United States supreme court decision:

> "The full political effect of the United States supreme court decision nullifying the 'grandfather' clause in southern election laws may not be soon apparent, yet one rather sure result will be to keep the whites more securely in the Democratic party and keep the South solid, at least in the immediate future. Mr. Roosevelt's efforts to break up the solid South with the Progressive party was based on the assumed elimination of the negro as a political force. This court decision makes the negro once more a potentiality in the politics of the South. His elimination can not now be regarded as an accomplished fact."

The negro race is progressing quite well. In Georgia official circles the figures so show, at any rate. Politics is the greatest danger of the negro. The more they let politics alone the more rapidly they will advance. The best negroes in the world are the Augusta negroes. They take no part in Augusta's political affairs.

New York Tribune

29 June 1915

The Grandfather Clause.

To the Editor of The Tribune.

Sir: Your editorial on the overthrow of the infamous "grandfather clause" in certain Southern state constitutions will, of course, receive the approval of all fair-minded persons. Not having seen the full text of the decision, I infer from editorial comment that it was based on the Fourteenth Amendment. It appears to me that the clause would be indefensible, even were the Fourteenth Amendment itself a nullity. Inasmuch as the Constitution expressly states that "the United States shall guarantee to every state in this Union a republican form of government" (Article IV, Section 4), an attempt by any state to violate the first principles of republicanism by establishing a hereditary qualification for suffrage must be as clearly unconstitutional as it is palpably outrageous.

JAMES F. MORTON, JR.

New York, June 22, 1915.

THE NEGRO AND THE BALLOT.

In a recent editorial the Boston Transcript, commenting on the action of the Supreme Court in knocking out the grandfather clauses, said: "The South has blinded itself to its own interests. Let it tear the disfranchisement bandage from its eyes and accustom them to the sunlight of human progress." This statement provoked the following reply from the Chattanooga News:

"Predictions that there will be changes in the South's political conditions because of this decision are erroneous. In Alabama, for instance, the grandfather clause no longer is in effect. That State has a poll tax clause which is cumulative and has given the practical results desired under the grandfather clauses.

"In Tennessee we have made little effort to curtail the suffrage to negroes. Years ago, when the Australian ballot was adopted in the larger counties, it eliminated the illiterate element of negroes, and still does, but this has been reduced to a small percentage.

"We wish we could frankly say that negro suffrage in Tennessee has been a success, but it has been evident of late years that that race is too much the catspaw of corrupt elements with large campaign funds. However, vote selling is not confined to one race. If we frame a new Constitution for Tennessee the vote seller—black or white—should be reached and deprived of the ballot."

Not only in Tennessee has the negro been too ready to surrender his registration certificate for a mess of catfish, but in many other States as well. His attitude toward his right of suffrage in many cases has been one of "how much is it worth in money?" The ignorant negro to whom the ballot is not even a symbol of emancipation knows little and cares less of statecraft or the doings of law-making bodies. When there is a change in the State or National Administration his philosophy is: "I lived through the last four years and I guess I can stand it four years more."

The intelligent negro—the negro who takes pride in the advancement of his race and who believes in an incorruptible ballot—is already at work among his fellows spreading the gospel of civic righteousness. Booker Washington has done more for the colored man than the decision of the Supreme Court ever will accomplish. The salvation of the negro must start from within and work outward. Making it easy for him to qualify for suffrage also makes him in many instances, easy prey of crooked politicians, but imbuing him with a sense of uprightness and responsibility to society makes him a good citizen.

The Negro and the Franchise.

Several of the Southern states have sought in one way or another to prefer the white man over the negroes in granting the right to vote. Thus in Oklahoma in 1910 a literary test was prescribed applicable to white and colored men alike, and then a provision was added that any person who was entitled to vote on January 1, 1866, in any state of the Union, or a person who was then a foreign resident, or any

GRANDFATHER CLAUSE

To The Knoxville Sentinel:

The thirteenth, fourteenth and fifteenth amendments to the federal constitution voiced the determination of the north to emancipate the negro and to force his late masters to respect the rights which these amendments were intended to guarantee. The thirteenth amendment abolished involuntary servitude, except as a punishment for crime, the fourteenth imposed citizenship upon the negro, and the fifteenth gave him the ballot. They were all party measures forced down the throats of a conquered people. The democrats to one man voted against their passage while the

republicans were unanimously in favor of their adoption. They were conceived amid intense bitterness and the mob in the north hailed them as measures of revenge.

The immediate result of these amendments, aided by the northern army, was to turn the south over to the negro and the carpet-bagger. Too much has been written about that dark period to require a further discussion of it here. First by means of violence and later by means of legal trickery the south succeeded in wining back the power for the white man.

One of the most successful legal devices was to put into the constitution a clause requiring literacy as a qualification to vote, and excepting out of this clause all those whose grandfathers had voted, that is those whose ancestors had voted before the adoption of the fifteenth amendment. By this means the majority of the negroes were barred from voting while the illiterate whites were not denied that privilege. Under its police power the state had the power to fix the qualifications of those who should vote, but where it made classifications for the purpose of promoting public good, such classifications had had to rest upon reasonable distinctions. It was indeed for the public benefit that illiterates should not vote, but why was it more injurious for a black illiterate than it was for a white illiterate? The fifteenth amendment declared that the right to vote should not be denied to a citizen of the United States because of color or previous condition of servitude. In such a test wasn't the negro really denied the vote because of his color and not because he was illiterate? It seems too clear for words that such was the case and yet the 'grandfather clauses' have been in use for years. And it is not to be denied that they have served their day well, but like other worn out measures they have no place in the new south. A few weeks ago they were passed along to the curiosity shop.

In an unanimous decision handed down Justice White, a Confederate veteran, the supreme court held that "grandfather clauses" in the constitutions of Oklahoma and Maryland were unconstitutional because they "recreated the very condition which the fifteenth amendment was intended to destroy." In the words of the great chief justice, the opinion concluded "We are unable to discover how, unless the prohibition of the fifteenth amendment were considered, the slightest reason was afforded for basing the classification upon a period of time prior to the fifteenth amendment." This well reasoned opinion may be considered as having settled this question for all time, and we may attempt to foresee its results.

It will not result in a return to the negro rule, as some members of our press seem to think. But there seems to be little doubt that it will increase the negro vote in many of the states. Those states which have the "grandfather clauses" in their constitutions will either have to enlarge them so as to include the illiterate white as well as the illiterate negro or else do away with the literacy test altogether. In the one case the negro vote will be increased, in the other some whites will be denied the vote. Since the number of illiterates among the whites is small, states with large negro populations will not hesitate to continue the illiteracy test.

It would seem that the real solution of the problem is not in finding means of limiting the negro vote, but rather in educating the negro to exercise the franchise intelligently. Chief Justice White, a Confederate veteran; Lamar and McReynolds, southern democrats in laying aside feeling and holding these laws unconstitutional, set examples for all those whose faces are

Roch. N. Y. Post Ex

JUN 23 1915

"Grandfather" Clauses.

The highest court of the land by a decision just handed down appears to have annulled in all the Southern states those "grandfather-clause" statutes which had the effect to disfranchise illiterate negroes while allowing illiterate white citizens to vote. Such enactments are held to be attempts to perpetuate a condition which the fifteenth amendment to the Constitution was designed to destroy.

The South must now set to work with a will to educate the unlettered citizens on whose votes it relies to keep state governments in the hands of the white men. As for literate citizens of color, as their votes cannot be legally suppressed, more amicable working relations with them must slowly grow up. A surpassing excellence of our political system outweighing many defects is that it compels society in self-defense to labor ceaselessly to enlighten and improve the lot of its backward units. No other system known to man imposes the equal necessity on the cultured classes of lifting to their own level all who are beneath them in the moral and intellectual scale.

Certain states may seek to evade this decision but it will not be defied. It is a part of the supreme law of the land to which congress and legislatures must bow. We do not fitly realize how fortunate we are in having a tribunal whose interpretation of our basic law suffices to set such great vexed questions at rest. The decisions may not always be right; but they are final, which is even more important; for where a ruling falls short of ideal justice, the question is sure to be carried again and again to the court until the decision leaves nothing to be desired.

We may not appreciate the priceless worth of a court with such authority, but foreigners do, and one Englishman of acumen happily observed that we of the United States had nothing to fear from revolutions; for if one were started the Supreme court would declare it unconstitutional and that would be the end of it.

Philadelphia Eve. Telegraph

JUN 23 1915

No Grandfathers' Clause

At last after years of controversy the Supreme Court of the United States has decided that the Fifteenth Amendment of the Constitution, which guarantees manhood suffrage in all the States, without discrimination as to race, color or previous condition of servitude, means what it says.

The points decided were raised in two States—a Congressional election in Oklahoma and a local election in Maryland—in both of which States what is known as the Grandfathers' Clause in the State Constitutions had been adopted for the purpose of restricting the negro vote. As this clause is practically the same that has been adopted in eleven Southern States, the decision will affect all of them.

The decision of the court, which is presided over by Chief Justice White, a Southerner and ex-Confederate soldier, is unanimous, and in the most direct language declares that the discrimination against the negro vote, which has been practised in so many of the Southern States, is a violation of the Federal Constitution; that persons not voters on a certain arbitrary date, or whose ancestors were not then voters, cannot be barred from voting by tests not required of others.

The provisions of the Fifteenth Amendment have been too long treated with indifference, so long that the South had come to the conclusion that it had practically nullified it. Another amendment—the Fourteenth—declares that when the right to vote is in any way abridged to the male inhabitants of any State, the representation in Congress of such State shall be reduced in proportion. But no action has ever been taken under that provision, which would have greatly reduced the Southern representation in Congress.

The decision will have a wholesome effect, vitalizing as it does features of the Constitution which have too long been rendered nugatory by race prejudice. It is not possible any new trickery can be successfully devised.

Philadelphia, Pa.

Bulletin

JUN 22 1915

THE "GRANDFATHER CLAUSE"

Public opinion, even in States where there is a real race question, will be apt to agree finally that the condemnation of the "grandfather clause" as a restriction on the ballot is a good thing. The trick is a clumsy attempt at the evasion of the Fifteenth Amendment to the Federal Constitution and moreover is entirely unnecessary for its obvious purpose, which could have been accomplished in any of the States where it has been tried, by other methods which would have stood unchallenged under the Constitution.

The literacy test as a qualification for the franchise is available for any State and there is the widest freedom for State regulation of the franchise beyond the mandate of this amendment. Chief Justice WHITE, who wrote the opinion of the Supreme Court, announced yesterday, as a Southerner, and there are very many more like him, who, without questioning the advisability and even necessity of delimiting the irresponsible negro vote, know and admit that a non-intelligent white vote is as dangerous to the public weal and that capacity and character qualifications, rather than the color of a man's skin, are the proper tests for the franchise.

NEW YORK WORLD

29 June 1915

No "Grandfather Clause" in Mississippi.

To the Editor of The World:

Permit me to make correction of an erroneous statement appearing in your issue of the 22d inst., in your announcement of the decision of the United States Supreme Court nullifying the "grandfather clause" of the State Constitutions of Maryland and Oklahoma.

The article in question avers that such a clause exists in the Constitution of the State of Mississippi as well as in the Constitutions of various other States south of Mason and Dixon's line "which were modelled after the Mississippi Constitution" in this regard. As a matter of fact the Constitution of Mississippi does not contain the "grandfather clause," and as a matter of fact it has been kept out of the Constitutions of "various other States" of the South which your article claims contain it.

The suffrage clauses of the Constitution of the State of Mississippi are the work of the late Senator J. Z. George of Mississippi, admitted one of the ablest constitutional lawyers that ever occupied a seat in the United States Senate.

No special privileges as to suffrage are accorded to any class, and no semblance of discrimination as to "race, color or previous condition of servitude" can be shown.

A MISSISSIPPIAN.

New York, June 26.

Reading, Pa. News-Times June 26/15

Voice of the Press In Short Measure

The "Grandfather" Clause

The decision of the Supreme Court erasing from the constitutions of Maryland and Oklahoma the grandfather clauses designed to restrict to white citizens the privileges of voting will not deliver any state government to the negro race. It may render necessary revision of the present practices in some states, and compel the adoption of new means for the preservation of existing conditions. But the Caucasion will continue to rule. It is conceivable that in some communities the exclusion of black men's votes may be less complete in consequence of the decision, but the practical effect will be of no moment.

There is no sentiment of substantial importance North or South for a radical change in the political status of the negro in the southern states. For years the House of Representatives through its committees on contested elections has uniformly refused to overturn the results of balloting in which the protestants based their claims on the refusal to allow negroes to vote. In these refusals there has been no partisanship. The supremacy of the white race has been as much the care of Republicans and Democrats, of Northerners as of Southerners. If it cannot be achieved in one way, it will be in another, for nowhere is there a serious desire to subordinate the whites to the blacks. Already in a number of states the possibility of such political tragedy has been eliminated by the adoption of restrictions whose legality is unquestioned, and these, or others equally unassailable, will be put in operation wherever the necessity exists.

The political hue of the South will remain white, notwithstanding the mistake of 1870.—New York Sun.

Court Decisions Affecting the Negro—1915

IMES-

JUL 12 1915

THE GRANDFATHER LAW.

Those who love justice and those who love free government because of the opportunity it gives for the growth of humanity must rejoice in the decision of the United States Supreme Court which, at least in part, annuls the so-called "grandfather" laws of the South. These laws were devised for the sole purpose of annulling the Fifteenth amendment to the United States constitution and why the supreme court didn't find a way to circumvent the outrageous laws long ago is something past finding out. Were the qualifications for voters based upon education, or even if they were based upon property, so that they applied to all alike they might at least be termed logical and defended as impartial. But to say that a man may not govern himself because his grandfather did not govern himself is illogical and un-American. It is to say that he may not grow to be any bigger man than his grandfather was. Such laws are subversive of free government and should be wiped out of existence. It is not creditable to our Anglo Saxon civilization that we seek to shackle another race to prevent its advancement in this land which is neither the land of the free nor the home of the brave while such unequal laws are on our statue books.—Leavenworth Times.

The above is strong doctrine and if the press of the nation would follow along this line that great bar of prejudice against the black man would soon be battered down, and if the press would wage such a crusade, the pulpit could not remain silent. But the above was written by the stalwart defender of justice and fair-play, Dan R. Anthony, son of that famous war-horse, Col. D. R. Anthony, and nephew of Susan B. Anthony, and it is just born in his blood to stand for fair treatment.—Topeka Plaindealer.

Indianapolis, Ind.

JUL 9 1915

THE SOUTH ON NEGRO SUFFRAGE

Southern editorial comment on the supreme court's rejection of the "grandfather clause" reveals a tolerant spirit. There is general acceptance of the fact that the Fifteenth amendment could not have been interpreted otherwise, and wherever there is a disposition to criticise, the offending states of Oklahoma and Maryland—and not the supreme court—are attacked. It is true that the decision strikes at discrimination and places illiterate negroes and illiterate white people under the same heading. Consequently, in many of the states where there is a large negro population, adjustment is made necessary. Such embarrassment is regarded as only temporary, and as far as the south's determination to enforce the literacy qualifications is concerned, the situation remains the same.

The Richmond News-Leader believes that the decision will be of "permanent benefit," and that "the future of the ballot in the south is made plainer." The Richmond Times-Dispatch sees no reason why the south should be "moved to special anguish" because now some southern states may have to abolish the "premium on ignorance" among white voters. The Times-Dispatch does not believe that the "grandfather clauses" are longer "vital to the south's protection," and "it is just as well they are to pass." The Baltimore News finds fault with Oklahoma and Maryland, "states in which there is no serious negro problem," for stirring up trouble. This criticism is somewhat narrow, as other states are concerned with the "grandfather clause." The Baltimore News accepts fully the scope of the Fifteenth amendment. The

CLIPPING FROM
Toledo, Ohio
Blade

SEEK NEW CURB ON NEGRO VOTES

South May Attempt to Replace the "Grandfather Clause" Held Void.

Washington, June 24.—Political leaders here are beginning to take stock as a result of the supreme court's two decisions Monday knocking out the "grandfather clauses" in the Oklahoma and Maryland election laws.

New legislation, both by the states and congress, is one of the things predicted by those familiar with the attempt of the southern states to prevent the negroes from voting.

Unless the states are able to find some new means of curtailing the negro vote between now and 1916, heavy Republican gains are predicted for Maryland, Virginia, West Virginia, Kentucky, Tennessee, Oklahoma, Mississippi, and Louisiana.

May Use Literacy Test.

Southern states, still intent on restricting the negro voters, are expected to turn to the literacy test. The objection to the literacy test is that it would deprive a great many white citizens of the southern states of the ballot.

Conservative leaders say that the decisions Monday will affect only Maryland and Oklahoma, and cannot be applied to other states. With the calendar of the court already loaded with cases for settlement during the fall term, these leaders say it will be impossible to get the election laws of the solid south up for review before the presidential contest next year.

May Effect Legislation.

It was pointed out today that the decisions may have a direct bearing on legislation at the approaching session of congress. During the closing days of the last session, the Democrats, spurred on by the White House lash, attempted to obtain the adoption of a cloture rule in the senate. The Republicans opposed it in order to prevent the passage of the ship purchase bill and other legislation they regarded as inimical to the country's interest.

When cloture was up before, the Democrats opposed it because they believed the Republicans would use it to break down their election laws. Now that those laws are in danger, it is believed by some persons that no further attempt will be made in behalf of the cloture rule, and that the Democratic leaders will take their chances on legislation in preference to opening a way for the tearing down of the southern bars on negro suffrage.

JUN 25 1915

GRANDFATHER CLAUSE GONE.

After several abortive efforts to secure indirectly a ruling by the highest tribunal on the Southern "grandfather clause" as a violation of the Fifteenth amendment, the Oklahoma nad Maryland provisions were brought squarely before the supreme court, which yesterday by a unanimous decision declared both to be in contravention of the federal constitution. The principle laid down in these cases applies equally to the "grandfather clauses" in the constitutions of other Southern states, and in effect annuls them all.

It is more than fifteen years since the first Southern state attempted to give color of legality to the denial of the negro's right to vote. The general scheme was the same, although differing in details, the right to vote being limited to those able to read and write, or those who themselves or whose ancestors were entitled to vote at some specified date before the Fifteenth amendment was proclaimed. Ostensibly educational, this restriction, operated as was the design, practically only on color lines. The dominating factor was the date, and it is this arbitrarily selected date which the supreme court pronounces invalid as imposing tests on some citizens not required of others. The decision not only annuls the clauses, but warns election officers that they will be held amenable for acting in disregard of the Fifteenth amendment, which prescribes that the right to vote shall not be denied or abridged by any state on account of race or color.—Pittsburg Dispatch.

Enter The Grandmother Clause

The Fourteenth Amendment

We are all familiar with the Grandfather Clause. It is better known as a rider that was attached to the famous, of infamous, constitutional amendments that revolutionized political conditions in the South and emasculated the political status of the Colored citizens. The Grandfather Clause permitted any white man, however illiterate, to vote, whose Grandfather voted prior to 1860. It was given a statute of limitation in each state where it was adopted and it is not now operative in a single state, with the possible exception of Oklahoma, the period of limitation having passed. The Clause stayed with us in each state, however, long enough to do its work, and do it well.

Having no further use for the Grandfather Clause, we are now going to have with us the Grandmother Clause. Senator Hobgood and Representative Roberts of the North Carolina legislature have introduced Women's Suffrage bills in both the Senate and House, provided with the Grandmother Clause for the protection of the votes of white women until 1918. The bills have not passed, but it is a safe prediction, that if any women's suffrage bills are passed in North Carolina or in any other liberty loving Southern sovereign state they will be decorated with a clause of the materfamilias variety.

Portland Oregonian

JUN 25 1

GRANDFATHER CLAUSE KILLED.

The latest device of the South to disfranchise the negro legally has been foiled by a decision of the United States Supreme Court, which holds the "grandfather" clause of the Oklahoma constitution to be invalid, because it contravenes the fifteenth amendment to the Federal Constitution. A remarkable fact about the decision is that the opinion was prepared by Chief Justice White, a Confederate veteran.

The Southern States cast about for years in search of a means to do legally that which they had long done illegally—prevent the negro from voting. They needed a qualification which would let in practically all whites and would shut out practically all negroes, though on its face it did not discriminate between the races. They tried the literacy test, but the spread of education among the negroes soon made it leaky as a bar to voting. They then reached back to slavery days and, calculating that every negro of voting age must be the grandson of a slave, adopted constitutional amendments limiting the franchise to those whose grandfathers had been qualified to vote. Oklahoma had the literacy test, but adopted the grandfather clause to catch those negroes who passed the test. It must now rely on the literacy test alone, while illiteracy among negroes rapidly decreases.

The negro is fast becoming so much like the white in all respects affecting the right to vote that the South may again be compelled to fall back on intimidation. But as the negro acquires education and property he will not so readily submit to force, and serious disturbance may result. Thus the race problem continually evades solution.

JUN 23 1915

REPUBLICANS' GAIN SEEN IN DEATH OF GRANDFATHER LAW

Large Number of Negroes Expected Again to Obtain Suffrage.

EFFECT MAY BE FELT IN CONGRESSIONAL ELECTION

G. O. P. Advantage in Several States Material Unless Other Restrictions Are Enacted.

Special to The Free Press.

Washington, June 22.—Republican leaders in Washington today claimed a distinct advantage from the decision handed down by the supreme court yesterday in the "grandfather" cases from Oklahoma and Maryland.

The effect, it was said, would be to reinvest with suffrage a large number of Negro voters in many of the southern and border states where restrictive laws now held to be invalid have been in operation.

In Oklahoma, West Virginia, Maryland, Virginia and Kentucky, the gain to the Republicans probably will be material. The effect will be felt in the next congressional contest unless the southern states which have had the class of restrictive laws held to be unconstitutional yesterday by the supreme court, pass other laws before the elections in 1916 that will exclude the Negroes.

The decision of the court upheld the literacy test as a perfectly proper one when made applicable to whites and blacks alike. Republicans say that with Negroes voting in Oklahoma, Maryland, Kentucky and West Virginia, the Republican representation from those states is certain to be increased.

Portland Oregonian

JUN 1915

RACE ISSUE IN NEW FORM.

By annulling grandfather clauses and other devices adopted by individual states for the purpose of effecting discrimination as to race, color or previous condition of servitude in granting the franchise, the United States Supreme Court has declared the Federal power supreme in all such matters. The states may adopt other regulations but none which even indirectly conflict with the purpose of the fifteenth amendment. Should any of the Southern states adopt woman suffrage, they must give votes to white and black alike. The power of the Federal Government to enforce the provisions of the Constitution relating to the franchise and supervision of elections is reaffirmed.

Dating from Senator Quay's successful filibuster against the last force bill, there has been an evident aversion in the North to the exercise of this power, growing out of an innate sympathy with the situation of the Southern whites, placed among a large population of an alien race which is less than two generations removed from slavery. As a new generation has grown up in the North, to which the Civil War and the reconstruction days are but history, a calmer and more judicial view is taken of the South's difficulties. It is realized that negro enfranchisement, following closely upon emancipation, was a gigantic but irreparable blunder, which was committed in the heat of controversy between President Johnson and Congress and which would never have been committed had President Lincoln lived to guide the work of reconstruction.

As negro migration to the North has increased and as the North has been called upon to deal on a small scale with the South's race problem, the North has been enabled to put itself in the South's place and to see through Southern spectacles. This better understanding has become general as business and social intercourse between North and South has grown. Thus the North has come to tolerate unlawful disfranchisement of the negroes in the South as the only possible remedy of averting evil consequences from a Northern blunder.

Syracuse, N. Y. Post-Standard

JUN 28 1915

How the South Takes It.

When the Southern states began writing the grandfather clause into their constitutions and statutes, the horrors of reconstruction were past but not forgotten. The Negro was not voting, but he was kept from the polls by threat, not by pretense of law. He was not permitted to vote in sufficient number to be dangerous because the South had decided that theirs was to be a "white man's government," and if the law put it in the Negroes' power to make it their government, the white man proposed that that law shouldn't be executed.

The grandfather clause was a device to accomplish the same result under a law devised to nullify the fifteenth amendment, in fact, while, it was hoped, that it would not be held to be in direct conflict with it in letter. Senator J. Z. George of Mississippi, one of the ablest of Southern statesmen, was the author of it, but he didn't himself believe that it would stand in the Supreme Court. It didn't. But the law was for years in operation before the Supreme Court set it aside.

In those years there has come a change in the South. When the laws of disfranchisement succeeded forcible disfranchisement of the Negro, there was no doubt in the Southerner's mind of their vital necessity. He was ready to accept any legal chicanery that would keep all Negroes from the polls. As the years have passed these laws have been modified. There has been a growing feeling in the South that to rest the franchise upon the single Caucasian foundation is unwise as well as unlawful.

This change in sentiment appears in the comment of the Southern press upon the Supreme Court decision. The Charlotte (N. C.) Observer stands upon the literacy test and records its gratification at the number of Negroes who qualify as voters under it. The Baltimore American rejoices that this "campaign bogey," which has been used to create "race prejudice," is out of the way. The Virginia Pilot doesn't see how the court could have decided otherwise. It commends to all Southern states the task of "reforming their electorates" by the simple and constitutional process of a literacy test applying to all alike. There is no note of despondency, none of rebellion, at this mandate of the court. There is no note of concern about adapting the laws of the states to it. There seems to be, in fact, a general feeling of relief throughout the South that this long-discussed "grandfather clause" business is settled for good and all.

Ledger

TACOMA, Wash

JUN 29 1915

PROBLEM OF THE SOUTH.

The supreme court of the United States having held the "grandfather clause" of the Oklahoma constitution invalid as in violation of the 15th amendment to the federal constitution, Southern states having a similar provision will presumably turn to some other plan to keep the negro vote from gaining ascendancy. The Virginia plan may be favored. It makes two tests of the right to vote—one that the elector shall be able to read correctly any section of the constitution of Virginia election judges may choose to employ, and the other that the elector shall, if called upon to do so, present poll tax receipts for the last three years.

These provisions look fair enough, and they are not in violation of the 15th amendment to the federal constitution. The danger to the negro is that they may be enforced unequally by election judges.

The Virginia plan has actually disfranchised white men as well as negroes. But it has disfranchised more negroes than whites, and that is what the framers of the two tests intended. The negro vote of the Old Dominion is said to have been reduced from 75,000 to about 5,000. The literacy test has been held constitutional by the supreme court of the United States. It obtains in some of the Northern as well as the Southern states. Of course, it applies to all citizens alike, whether white, black, or some other color. The 15th amendment prevents disfranchisement on account of race, color or previous condition of servitude. It does not prevent disfranchisement for illiteracy and it does not prohibit the enactment of a property or poll tax qualification.

There are still illiterate whites in many states. Southern commonwealths in readjusting their fundamental law so as to avoid the "grandfather clause," will have to disfranchise some whites in order to exclude more negroes. Illiteracy is greater among negroes than whites, although it is being reduced from year to year in both races.

The Virginia plan is certainly more favorable to negroes than the "grandfather clause" plan obtaining in several Southern states. The "grandfather clause" provides that a man may vote, providing his grandfather had the right of franchise. Grandfathers of negroes of voting age were in slavery before the Civil war.

The "grandfather clause" of Oklahoma, which has been overthrown, disfranchised about 10,000 negroes. Oklahoma has been democratic by a small majority and the effect of the court decision may be to make Oklahoma republican. North Carolina is another rather close state politically, which might be thrown into the republican column, but the likelihood is that "grandfather clause" states will at the first opportunity adopt plans of reducing the negro vote without violating the 15th amendment.

Springfield, Mass. UNION

A DECISION OF VITAL INTEREST TO THE NEGRO.

The country has waited a long time for vigorous support of the principle that a Negro may not be subjected to a literacy test, or property requirement as a suffrage qualification when white citizens are not obliged to meet these same tests; that the races stand on the same footing in this regard. The Fifteenth Amendment made this point sufficiently plain, it would seem, yet the rule has long been defied in the Southern States. Now the United States Supreme Court has expressly condemned such discrimination by its decision holding the "grandfather" clauses of State constitutions to be in violation of the Federal Constitution. If this does not extend the franchise to many Negroes now debarred from the ballot, it should at least disqualify a large number of illiterate whites hitherto permitted to go to the polls.

A test case was made of the clause of the Oklahoma Constitution, which clause is essentially the same as is found in the constitutions of several other States of the South. This clause set up a rigid bar against illiterates and persons not owning property of a requisite value, and then exempted those, and their descendants, who were entitled to vote previously to Jan. 1, 1866. This accomplished the desired result of disfranchising the great majority of blacks, but in the face of continued protests that such a rule violated the Fifteenth Amendment. That addition to the Federal Constitution has had a hard time in securing recognition, but at last the Supreme Court has given it a force that ought to be effectual.

Boston, Mass. Transcript

JUN 21 1915

OKLAHOMA "GRANDFATHER CLAUSE" IS ANNULLED

SUPREME COURT HOLDS THAT LAW RESTRICTING NEGRO VOTE IS UNCONSTITUTIONAL

Washington, June 21—The Oklahoma constitutional "grandfather clause" restructing the negro vote, was today annulled as unconstitutional by the Supreme Court.

The court held that Oklahoma had not meant to provide a literary test for its voters, if the restriction as to those qualified to vote in 1866 was illegal, and hence struck down that test, although holding that standing alone such a test was constitutional. The decision was unanimous.

Of Fifteen Years' Standing

For more than fifteen years the "Grandfather Clause" has been inserted in constitutions of Southern States. The most popular form has been to exempt from educational and property tests for voting those who could vote in 1866, 1867 or 1868, thus leaving the tests to apply to those who did not vote at those dates. The Oklahoma grandfather clause provides "that no person shall be registered as an elector in this State, or be allowed to vote in any election herein, unless he be able to read and write any section of the constitution of the State of Oklahoma, but no person who was, on Jan. 1. 1866 or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendant of such person, shall be denied the right to register and vote because of his inability to so read and write sections of such constitution."

In Maryland the clause was inserted in laws governing elections in various cities. In 1908, it was inserted in the law governing municipal elections in the city of Annapolis. It authorized the registration as voters of all taxpayers of the city assessed for at least $500; all duly naturalized citizens, all male children of naturalized citizens twenty-one years of age, and "all citizens, who prior to Jan. 1, 1868, were entitled to vote in the State of Maryland, or any other State of the United States at a State election, and he lawful male descendants of any person who prior to Jan. 1, 1868, were entitled to vote in the State of Maryland or in any other State of the United States at a Stae elecion." Various arguments were advanced to meet the attack that these clauses violated the Fifteenth Amendment to the Constitution providing that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude." Another line of argument was that the clauses did not "deny" or "abridge" the right of negroes to vote, as forbidden by the fifteenth amendment, but it merely discriminated against them by allowing those not negroes to vote without meeting the qualifications imposed ostensibly upon all.

Court Decisions Affecting the Negroes. — 1915

THE SUPREME COURT DECISION.

(By Albert E. Pillsbury.)

If the decision of the Supreme Court in the Oklahoma and Maryland cases is what the newspapers take it to be, a complete upsetting of the "grandfather" clauses—though this is more than we know until we see the full opinion—it is to say the least a great sentimental victory, such as had almost ceased even to be hoped for. And it is the more surprising as the decision is reported to be unanimous.

It says to the Negro and his friends, what they have always believed, that he has been cheated out of the right to vote in violation of the Federal Constitution.

It says to the Republican party that it has stood by and looked on for a quarter of a century while the white South has seized, for the benefit of the national Democratic party, the whole political power pertaining to the millions of the Colored race, in violation of the Federal Constitution.

As to Actual Results.

What the actual results will be is another question. It may compel the Southern states to overhaul their suffrage systems with a view toward something like impartiality between the races. It may galvanize the Republican party into some action on the subject, at least toward cutting down the present fraudulently excessive representation of the Southern states in Congress and in the electoral college.

South May Find New Way.

But—alas that this should have to be said—the South, being determined that the Negro shall not vote, will probably find a new way, if it must, to keep him from the polls or make his vote ineffective, while the North, being indifferent so far as it is not actually hostile, is no more likely to interfere here after than it has heretofore.

JUN 22 1915

The "Grandfather" Clause

The decision of the Supreme Court erasing from the constitutions of Maryland and Oklahoma the grandfather clauses designed to restrict to white citizens the privileges of voting will not deliver any state government to the negro race. It may render necessary revision of the present practices in some states, and compel the adoption of new means for the preservation of existing conditions. But the Caucasion will continue to rule. It is conceivable that in some communities the exclusion of black men's votes may be less complete in consequence of the decision, but the practical effect will be of no moment.

There is no sentiment of substantial importance North or South for a radical change in the political status of the negro in the southern states. For years the House of Representatives through its committees on contested elections has uniformly refused to overturn the results of balloting in which the protestants based their claims on the refusal to allow negroes to vote. In these refusals there has been no partisanship. The supremacy of the white race has been as much the care of Republicans and Democrats, of Northerners as of Southerners. If it cannot be achieved in one way, it will be in another, for nowhere is there a serious desire to subordinate the whites to the blacks. Already in a number of states the possibility of such a political tragedy has been eliminated by the adoption of restrictions whose legality is unquestioned—

these, or others equally unassailable, will be put in operation wherever the necessity exists.

The political hue of the South will remain white, notwithstanding the mistake of 1870.—New York Sun.

Baltimore, Md.

JUN 22 1915

COURT'S STAND HAS NO EFFECT IN SOUTH

Grandfather Clauses Have All Expired, Declares Wm. L. Rawls.

Although the "grandfather clause" has been in wide and effective operation in the South for many years, it remained for the Annapolis case to bring the device to a decisive issue as to the remedy to be had by negroes disfranchised under the clause. There was also a direct ruling on its scope and effect by the Supreme Court of the United States.

In several cases that reached the highest Federal tribunal from Southern States, the "grandfather clause" was sought to be brought before the court for an authoritative declaration as to its alleged conflict with the Fifteenth Amendment to the Constitution of the United States; but the court never considered the real issue these cases always being dismissed for want of jurisdiction or for technical reasons that left the main question untouched.

It was intimated more than once in the South that even if the Supreme Court struck down the "grandfather clause" the decision would amount to little, for it could only be enforced by Federal arms, and what President would be so hardy as to again establish military rule in the South and bring about another era of "Federal bayonets at the ballot boxes?"

A New Remedy.

When the late John Wirt Randall of Annapolis, with the late Edgar H. Gans, Edwin J. Baetjer and Chas. J. Bonaparte went into the United States Court for the District of Maryland, Thomas J. Morris, Jr., they proposed a very effective remedy. They asked for damages against the Annapolis registers, who had refused to admit their clients to the electoral privileges of citizens of the United States under the "grandfather clause" of the municipal election statute of 1908. This was placing responsibility with a vengeance. Other towns in Maryland had secured a similar statute from the Legislature, but speedily found that these were simply "scraps of paper," for nobody could be found willing to sit in the Register's office and risk damage suits by denying registration to men whose ancestors could not vote in the late sixties.

Ridgely P. Melvin, City Counsellor of Annapolis, since 1907, drew the statute of 1908, and helped to defend the suits against the Annapolis Registers before Judge Morris. William L. Marbury, who even then had a national reputation as an opponent of negro suffrage on constitutional grounds, was their leading counsel and William L. Rawls, a noted student of the history and legal aspects of negro suffrage, and Attorney-General Isaac Lobe Straus, author of the "Straus amendment" to the Maryland Constitution, embodying the "grandfather clause," passed at the session of 1908, and sumbitted to the voters and defeated in 1909, also appeared

Case Won For The Negroes.

The trial before Judge Morris in 1910 attracted national attention. He decided for the plaintiffs, and awarded them $250 each. The defendants took an appeal to the Supreme Court, and this was argued in November, 1913, the arguments being spirited and comprehensive.

For one thing, it was contended [cgofS.elrno tly 9 Sarrfl u - 1 7 78— hat the Fifteenth amendment applied only to Federal elections; that it was never intended to control State, county and municipal elections. For another, that the Fifteenth Amendment, backed on the Federal Constitution as result of the War of the Rebellion, was of very doubtful validity: that t transcended the amending power.

For 18 months the Supreme Court has been considering the case.

Effect In The South.

As a matter of fact, it was said today by persons acquainted with the "grandfather clause" legislation in the South that the decision of the Supreme Court would have no appreciable effect in admitting negroes to the franchise in those States. All the States which followed the lead of Mississippi, where Senator James Z. George was the father of the device, limited the term for which the "grandfathers' clause" should be operative.

"In all these States," said William L. Rawls today, "the 'grandfathers' clause has expired—even in North Carolina. Negro suffrage in the South no longer rests on the Fifteenth Amendment. Other tests—literacy, property, residence, poll-tax, etc.—are applied, and the migratory and worthless negro is cut out."

Only in Maryland, where the Poe amendment of 1905 and the Straus amendment of 1909 were defeated, was the attempt made to have negro disfranchisement under the grandfathers' clause perpetual.

Paterson, N. J.

JUN 24 1915

THE "GRANDFATHER CLAUSE"

After many years of impunity, the so-called grandfather clause in the laws of various Southern States has been declared unconstitutional by the unanimous opinion of the United States Supreme Court. Conditions in Maryland and Oklahoma only were considered by that tribunal, but the opinion is of universal application. It holds that, although States may prescribe literacy or property qualifications for voters, the application of these qualifications must not be restricted to any class of voters. To exempt voters who had the franchise in 1866 or at any other specified date, or who are descendants of such voters, is to nullify the Fifteenth Amendment: for the obvious though undeclared purpose of negroes. "Certainly it cannot be said," the Court remarks, "that there was any peculiar necromancy in the time named which engendered attributes affecting the qualification to vote which would not exist at another and different period, unless the Fifteenth Amendment was in view."

It is easy to understand the reasons for disfranchising a large number of illiterate negro voters. The legislation which conferred the ballot upon them before they were fit for citizenship was obviously unwise. But this was not an excuse for the denial of rights under the Constitution of the United States. The States most concerned had their remedy without going to this length. They could have disfranchised illiterates without regard to color. This way would have been even more effective than the other. Only a deep-seated race prejudice would assert that the illiterate negro is essentially more dangerous than the illiterate white man. The South would still be free from the spectre of negro domination were both disfranchised. The ostensible reason for the discrimination was obviously not the real one.

Probably no more ingenious method of keeping on the windy side of the law could have been devised than this grandfather clause. It had more apparnet justification than other means of attaining the desired end. It had a color of legality which violence could never assume. But in morals there was nothing to be said for it. It was a denial of the rights of American citizens. It was a repudiation of the Constitution of the United States. The Supreme Court could have come to no other conclusion. Ancestry does not determine the franchise in this country. If it is to be limited other reasons must be alleged.

Providence, R. I.

JOURNAL

JUN 26 1915

GRANDFATHER CLAUSES.

Republican Hopes.

(From the Baltimore Sun.)

The unconstitutionality of the so-called "grandfather clauses" in the law of Oklahoma and in the charter of Annapolis, as declared in the decision of the United States Supreme Court on Monday, will make but a slight ripple in things political in Maryland and is not likely to cause any great trouble or disturbance in the South.

The Annapolis enactment was passed by the Legislature of 1908, and at the same session similar charter changes were proposed for a number of towns, but so far as we remember only one other passed—that for Berlin. These "grandfather clauses" were limited strictly to the local elections and did not affect the county and State elections in any way. The decision will, therefore, have no effect at all except in the town elections. Maryland defeated the disfranchising amendment that did

contain a "grandfather clause."

The decision is perhaps more important in what it will prevent than in any change it may make in present conditions. Had the court decided the Annapolis act valid, attempts would doubtless have been made to incorporate its provisions in the suffrage laws of many cities and States in perhaps even more drastic forms.

The Southern States have other effective methods of keeping the ignorant and venal colored vote down to the minimum, such as poll taxes, which must have been paid for the previous year to make a man eligible to register.

Any Republican or Bull Mooser who entertains the fond hope that his party may be able to break into the South and carry a few States by virtrue of the Supreme Court decision and by the aid of the colored brother is vastly likely to be disappointed.

A DECISION OF VITAL INTEREST TO THE NEGRO.

The country has waited a long time for vigorous support of the principle that a Negro may not be subjected to a literacy test, or property requirement as a suffrage qualification when white citizens are not obliged to meet these same tests; that the races stand on the same footing in this regard. The Fifteenth Amendment made this point sufficiently plain, it would seem, yet the rule has long been defied in the Southern States. Now the United States Supreme Court has expressly condemned such discrimination by its decision holding the "grandfather" clauses of State constitutions to be in violation of the Federal Constitution. If this does not extend the franchise to many Negroes now debarred from the ballot, it should at least disqualify a large number of illiterate whites hitherto permitted to go to the polls.

A test case was made of the clause of the Oklahoma Constitution, which clause is essentially the same as is found in the constitutions of several other States of the South. This clause set up a rigid bar against illiterates and persons not owning property of a requisite value, and then exempted those, and their descendants, who were entitled to vote previously to Jan. 1, 1866. This accomplished the desired result of disfranchising the great majority of blacks, but in the face of continued protests that such a rule violated the Fifteenth Amendment. That addition to the Federal Constitution has had a hard time in securing recognition, but at last the Supreme Court has given it a force that ought to be effectual.

G. O. P. AND NEGRO VOTE.

Leaders Say Defeat of "Grandfather Clause" Will Benefit In Five States.

WASHINGTON, June 26.—Republican leaders in Washington to-day claimed a distinct advantage from the decision handed down by the supreme court yesterday in the "grandfather clause" cases from Oklahoma and Maryland.

The effect, it was said, would be to reinvest with suffrage a large number of negro voters in many of the Southern and border States where restrictive laws now held to be invalid have been in operation to exclude the negroes from the polls. In Oklahoma, West Virginia, Maryland, Virginia and Kentucky the gain to the republicans probably will be material.

The effect will be felt in the next Congresional contest unless the Southern States pass other laws before the elections in 1916 that will exclude the negroes. The decision of the court, read by Chief Justice White, upheld the literacy test as a perfectly proper one when made applicable to whites and blacks alike. Republicans claim that with negroes voting in Oklahoma, Maryland, Kentucky and West Virginia the republican representation from those states is certain to be increased.

The possibilty of a revival of the Federal elections supervision bill, by which Federal authority may be invoked in State elections involving the choice of Senators under the popular election and of Representatives, was talked in political circles here today. It was recalled that the last bill of this kind, the Lodge force bill, failed for want of a cloture rule.

Republican leaders said today that if the next Congress should be republican the chances for passing the federal supervision law would be made certain by the cloture rule, which the democratic managers seem certain to impose upon the Senate at the next session of Congress.

Journal

Albany, N. Y.

JUN 22 1915

"Grandfather Clause" Void.

Effect of two decisions handed down yesterday by the United States Supreme Court is to nullify the procedure through which some Southern states sought to disfranchise the majority of the Negroes in spite of a prohibitory provision of the constitution of the United States.

In order to get around that constitutional provision, certain requirements were prescribed which all citizens, white and black, must meet in order to secure the privilege of voting. These requirements would have disfranchised a large number of ignorant whites as well as the greater number of the Negroes. To accomplish the intended purpose, the disfranchising of the Negroes alone, it was provided that all citizens whose ancestors possessed the right to vote previous to 1870 should be exempted from the operation of the law. In that year the constitutional amendment enfranchising the Negroes went into effect. Thus the exemption was for the benefit of the whites alone. This is what has come to be known as the "grandfather clause."

Reliance for the continued effectiveness of such law was doubtless placed in the fact that the Negroes were not mentioned in it, the purpose of disfranchising them being accomplished by indirect provisions. But the Supreme Court regarded the intent and effect, and has declared the exemption clause unconstitutional and therefore void.

The requirements for eligibility to vote remain, but henceforth whites and blacks must meet them, and unless a change is made in the law which will remove them, there will be a considerable decrease in the white vote of some regions of the South.

Washington Herald

1915

SAYS FRIGHT KILLED "GRANDFATHER" RULE

Dr. M. W. Clair Tells Colored Mass Meeting that "Nation's Leaders Saw War Clouds.

"The Supreme Court of the United States declared the 'grandfather clause' which practically prohibited the colored residents of certain States from voting, unconstitutional because the leaders of the nation saw war clouds gathering and realized what it would mean to go to war with the black boys mad."

This was the declaration of Dr. M. W. Clair, addressing a mass meeting of colored people of the city at the Metropolitan Baptist Church last night. The meeting was called to give thanks for the repeal of the "grandfather clause."

"What is there in this decision for which we should be thankful?" said Dr. J. Milton Waldron. "To me it does not seem much. It has come too late. The "grandfather clause" already has done its work, for it will take the colored people of the States affected at least forty years to overcome the property requirement of a voter. I don't wish to thank God for what has not been done.

"You all know the Democratic party's treatment of the colored people in the past, and does it not suggest itself to you that they took advantage of this opportunity to make up for this treatment?"

A resolution adopted reads, in part, as follows:

"Resolved, That we, citizens of African descent, do hereby express our thanks to Almighty God, who in such manner and at such time has given the race, through the highest tribunal of our country, renewed assurances of the fact that the cause of right and justice shall triumph."

STON CHRISTAIN SCIENCE MONITOR

JUN 22 1915

"Grandfather Clause" Unconstitutional

The most important purely domestic event of the week was indisputably the decision of the United States supreme court invalidating the so-called "grandfather clause" in the Oklahoma constitution and in the Maryland law applying to municipal elections. Under this clause, as it has been adopted and enforced in five southern states, a man is permitted to vote if his ancestors were able to vote prior to some date before the adoption of the fifteenth amendment to the federal constitution.

In Oklahoma, the state originating the clause, the date set was 1866; some of the other states have fixed it at 1860. In Maryland, where its operation was made local, with the purpose of avoiding conflict with the national constitution, the year named was 1868. As a rule the clause is accompanied by a rigid educational qualification, so that few negroes could meet it and be allowed to vote, thus giving a semblance of fairness to the law under which it could be said negroes were voting. The court held the clause to be a subterfuge to prevent negroes from voting. An effect of the decision will be to hold election officers enforcing the "grandfather clause" amenable to prosecution for denying citizens the right to vote, and a probable consequence of it will be later decisions against various other methods of disfranchising negroes.

Republican leaders have begun to claim a distinct partisan advantage as a result of the decision. The effect of it politically, they say, will be to reinvest with suffrage a large number of negroe voters in many of the Southern and border states where restrictive laws, now held to be invalid, have been in operation to exclude the negroe from the polls. The states directly affected by the invalidation of the "grandfather clause" are Oklahoma, West Virginia, Maryland, Virginia and Kentucky.

Democrats interviewed at the national apital declare that they do not believe hat the voting of even a great majority of the negroes would turn the electorial votes of any of the states over to the Republicans, with the possible exception of Louisiana, where the sugar issue is apt to cut in upon the white Democratic vote, placing the balance of power in the hands of the negroes.

This decision is expected to end the old controversy over the reduction of the South's representation in Congress, for, it is held, if it has its natural effect in allowing negroes to vote there will remain no reason for reducing the representation.

JUN 23 1915

Washington Herald

HOPEFUL OF RESTORING VOTE TO MANY NEGROES

Republicans Here Are Pleased at Supreme Court's Decision in "Grandfather Clause" Cases.

Republican leaders in Washington claim a distinct advantage from the decision handed down by the Supreme Court Monday in the "grandfather clause" cases from Oklahoma and Maryland.

The effect, it was said, would be to reinvest with suffrage a large negro vote in many of the Southern and border States where restrictive laws now held to be invalid have been in operation to exclude the negroes from the polls. In Oklahoma, West Virginia, Virginia, Maryland, and Kentucky the gain to the Republicans will be material, it is claimed by Republican leaders. Republicans claim that with negroes voting in Oklahoma, Maryland, Kentucky, and West Virginia, the Republican representation from these States is certain to be increased.

The possibility of a revival of the Federal elections supervision bill, by which Federal authority may be invoked in State elections involving the choice of Senators under the popular election and of representatives, was talked in political circles here yesterday. Incidentally it was recalled that the last bill of this character, the Lodge force bill, failed for want of a cloture rule. Republican leaders said yesterday that if the Sixty-fifth Congress should be Republican the chances for passing the Federal supervisory law would be made certain by the cloture rule which the Democratic managers will certainly impose upon the Senate at the next session of Congress. Republican leaders will hold a meeting as soon as Congress meets to take up the whole subject and formulate a plan of action.

Court Decisions Affecting the Negro - 1915

Knoxville, Tenn.

JUN 25 1915

GRANDFATHER CLAUSES

The decision of the United States supreme court in the Oklahoma case that the "grandfather" clause is unconstitutional—a decision thought to apply to the "grandfather" clauses in the constitutions of several of the southern states—will have no appreciable present effect upon the southern electorate if it is calculated even to have such effect. There never was any real question as to the unconstitutionality of the "grandfather" clauses which were so patently in the face of our basic American political principles, by which hereditary privilege was pre-eminently precluded from place in our democratic plan of government. But the "grandfather" clause was in its way the south's defensive answer to the fourteenth amendment and the reconstruction acts of congress giving the ballot to the freedmen, who had not before exercised it, at a time when the southern white men were largely disfranchised and not allowed to vote. The states in which the negroes preponderated politically, if not numerically, during the reconstruction period suffered so disastrously from the reconstruction governments, dominated by the negroes, that when they came to make over their constitutions later they did not mince matters in the attempt to forever preclude the danger of a return to negro supremacy. In the main they constitutionally but effectively prized the ballot out of the hands of the new citizens in black by adopting educational tests, non-payment of poll tax disqualifications and others that applied alike to all, but the "grandfather" clause was incorporated in some, not all of them, to let in the illiterate among the southern whites who had been largely denied the advantages of education by reason of participation in the war, or of the effect of the war, and who, it was inconceivable, their own people should now disfranchise. But the "grandfather" clauses were generally restricted by a time limit as to their operation, legally or illegally, they have served the purpose for which they were incorporated in the southern constitutions and have expired by their limitation. The citizens they were intended to protect have either passed away or long since become fixed and registered integers of the electorate and little if any practical effect will be felt from the federal supreme court's decision in the Oklahoma case.

The application of the court's decision to the "grandfather" clauses even nominally varies as to the different states concerned and inappreciably.

Coupled with the Oklahoma decision was the clause in the charter of Annapolis in Maryland which the court held to be also unconstitutional. The decision "will make but a slight ripple in things political in Maryland," the Baltimore Sun says. It seems that the Maryland "grandfather" clauses "were limited strictly to the local elections and did not affect the state and county elections." It will be remembered that Maryland defeated the disfranchisement amendment that did contain a general "grandfather" clause.

"Only two southern states besides Oklahoma have, strictly speaking, a 'grandfather' clause, in their suffrage laws, namely North Carolina and Louisiana, and these are distinctly different from either the Oklahoma law or the Annapolis charter," says the Baltimore Sun. "In both the Oklahoma and the Annapolis enactments declared unconstitutional an exception is made in favor of those who were eligible to vote prior to the passage of the fifteenth amendment and their descendants, which, in effect, lets down the bars for nearly all the white voters and keeps them up for the negroes, and this is a continuing and permanent discrimination

"In North Carolina the 'grandfather clause' is attached to a literacy test, and the discrimination is only for a limited time. This law requires that, in order to register, a voter must be able to read and write and so on, but this test is not required of those eligible to vote in or before 1867 or their descendants, who have registered prior to 1908. The 'grandfather clause' is entirely inoperative as to all registrations since 1908. The idea was that there were many good but illiterate citizens who had previously voted, but who would be disfranchised by a straight educational test, and these were to be allowed to continue to vote. After a reasonable time, however, no new voters were to be allowed to qualify under the 'grandfather clause.' Nor have they done so for the past seven years."

The Sun points out that the Louisiana 'grandfather clause' expired by limitation, so far as new voters were concerned, as long ago as 1898. No discrimination now exists—legally—except in favor of those who were voters prior to that date.

Virginia and Georgia adopted clauses discriminating in favor of those who served both on the Union and Confederate side in the civil war or in any other wars of this country.

South Carolina adopted educational and property qualifications which upon their face, at least, make no discrimination between the two races.

The Montgomery Advertiser says the decision "has no application to the constitutional requirements for registration in Alabama, where the 'Grandfather's clause' is no longer in operation. The 'Grandfather clause' was put into the Alabama constitution in 1901 as a temporary expedient. It expired on December 20, 1902. On January 21, 1903, the permanent plan of registration went into effect and it is still in effect. It does not contain the 'Grandfather clause.'"

It may be confidently predicted therefore that any expectations of political revolutions in the near future in the south that may be based upon the decision declaring the "grandfather clauses" unconstitutional are doomed to be disappointed.

NEGRO'S RIGHT TO VOTE IS UPHELD IN SUPREME COURT

'Grandfather Clause" Provisions Are Disapproved for Maryland and Oklahoma

Advertiser

DECISION IS UNANIMOUS

6-22-15

WASHINGTON, June 21.—In probability one of the most important race decisions in its history, the Supreme Court today annulled as unconstitutional the Oklahoma constitutional amendment and the Annapolis, Md., voters' qualification law restricting the suffrage rights of those who could not vote or whose ancestors could not vote prior to the ratification of the fifteenth amendment to the Federal constitution.

Chief Justice White, a native of the South, and a former Confederate soldier, announced the court's decision, which was unanimous except that Justice McReynolds took no part in the case.

By holding that conditions that existed before the fifteenth amendment, which provides that the vote shall not be denied or abridged on account of race, color or previous condition of servitude, could not be brought over to the present day in disregard of this self-executing amendment, it is generally believed that the court went a long way toward invalidating much of the so-called "grandfather clause" legislation of Southern States.

The immediate effect of the court's decision was to uphold the conviction of two Oklahoma election officials who denied negroes the right to vote in a congressional election, and to award three Maryland negroes damages from election officials in Annapolis who refused to register them. The court held that these election officials could not ignore the potency of the fifteenth amendment in wiping out of State constitutions the word "white" as a qualification for voting. In the Maryland case, the court's decision established the point that the fifteenth amendment applies alike to municipal as well as to Federal elections.

Fixed Literacy Test.

Discussing the Oklahoma cases, Chief Justice White said the suffrage amendment to the State constitution first fixed a literacy standard, and then followed it with a provision creating a standard based upon the condition existing on January 1, 1866, prior to the adoption of the fifteenth amendment, and eliminated those coming under that standard from the inclusion in the literacy test.

The court had difficulty, he said, in finding words to more clearly demonstrate its conviction that this action of the State re-created and perpetuated the very conditions which the fifteenth amendment was intended to destroy than the language used in the amendment.

"It is true," continued the Chief Justice, "that it contains no express words of an exclusion from the standard which it establishes of any person on account of race, color, or previous condition of servitude prohibited by the fifteenth amendment, but the standard itself inherently brings that result into existence since it is based purely upon a period of time before the enactment of the fifteenth amend-

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The Chief... statement by... gument that t... by the fifteenth... power of the States... co-incident with the l... er itself. He also set ... ciple that while in the t... fifteenth amendment gives ... of suffrage, "it was long ago ... cog... nized that in operation it's prohibition might measurably have that effect, that is to say, that as the command of the amendment was self-executing and reached without legislative action the conditions of discrimination against which it was aimed, the result might arise that as a consequence of the striking down of a discriminating clause... ...would be

"Grandfather" Clause Unconstitutional

The decision of the United States Supreme Court in the Oklahoma "grandfather" clause test case brings on considerable speculation as to what effect the decision will have in other states where the clause is a part of the revised constitution. Seven states have incorporated the clause in their constitutional provisions for restricting suffrage, but Oklahoma was the only state to make it a permanent feature.

South Carolina ado... grandfather clause... ianna in 1898, ... Virginia in ... in 1900, G... homa in ... operative in ... 1, 1898, L... 1898, Alab... Virginia ... Caroli...

legal basis for putting a
he indiscriminate framing
,otion of laws in contraven-
the fourteenth and fifteenth
ments to the federal consti-
on, which conferred political and
civil rights upon the Negro. The
"grandfather" clause was the be-
ginning of every form of discrimi-
tation against the Negro. It first
deprived him of the ballot, and

and actions of the bishops of South-
ern Virginia reflected this attitude.

What we have written upon this subject however, was not directed at nor inspired by the attitude of the bishops of Southern Virginia. Their position as opponents of the proposed plan, however unprejudiced or otherwise it may be, is of no importance as compared to the main question of making the Episcopal Church a potential factor in the evangelization and education of the Negro race. Any denomination that treats the race now as dependant wards deprives it of self-reliant, independent race leadership, without which no class or race can be respected.

It appears that we were in error in giving the total number of colored Episcopalians in the United States, our estimate falling nearly five thousand short of the official Church records. We are very glad to make this correction.

...VILLE, KY.

JUN 28 1915

OF ONE MIND.

The following editorial is here reproduced from the New York Sun:

"The decision of the Supreme Court erasing from the Constitutions of Maryland and Oklahoma the grandfather clauses designed to restrict to white citizens the privilege of voting will not deliver any State government to the negro race. It may render necessary revision of the present practices in some States, and compel the adoption of new means for the preservation of existing conditions. But the Caucasian will continue to rule. It is conceivable that in some communities the exclusion of black men's votes may be less complete in consequence of the decision, but the practical effect will be of no moment.

"There is no sentiment of substantial importance North or South for a radical change in the political status of the negro in the Southern States. For years the House of Representativves through its committees on contested elections has uniformly refused to overturn the results of ballotings in which the protestants based their claims on the refusal to allow negroes to vote. In these refusals there has been no partisanship. The supremacy of the white race has been as much the care of Republicans as of Democrats, of Northerners as of Southerners. If it cannot be achieved in one way, it will be in another, for nowhere is there a serious desire to subordinate the whites to the blacks.

"The political hue of the South will remain white, notwithstanding the mistake of 1870."

Verily we may be said to have advanced to a better measure of national sympathy and understanding when a paper like the Sun refers to the enfranchisement of the negro as "the mistake of 1870," and declares that, "if the supremacy of the white race cannot be achieved in one way, it will be in another," Northerners and Republicans being in full approval.

The grandfather clause did not go until it had served its full purpose and produced its needed result.

...ville, Tenn.

JUL 1 1915

GRANDFATHER CLAUSE.

Hon. John B. Knox of Anniston, Ala., who was president of the constitutional convention of 1901 that framed the present Alabama constitution, says the recent decision of the Federal Supreme Court will not affect the Alabama suffrage provision, and, incidentally, that it will also leave unimpaired the provision made in the constitutions of Virginia and Georgia that were copied from that of Alabama. In an article contributed to the Anniston Sunday Star on this subject Mr. Knox says:

The Alabama suffrage plan, which was afterwards also adopted by the State of Virginia and by the State of Georgia, has not been passed upon by the Supreme Court of the United States. It was not considered, and could not be considered in the decision in the Oklahoma case. The question involved in the Oklahoma case was altogether different. It is true in that case the court holds the suffrage provision of the constitution of Oklahoma defective, and rejects it as inoperative under the Fifteenth amendment. It is equally true that this same provision, as copied from the Louisiana constitution, was considered by the constitutional convention of Alabama, and in like manner rejected as an unwise, not to say an unconstitutional measure of relief. It is idle, therefore, it seems to me, to say that the decision of the court in the Oklahoma case affects in any degree the integrity of the suffrage plan adopted in Alabama.

Now, what is the Oklohamo plan? It is this, as I understand it, that only those can vote who were qualified to vote in 1866 and their descendants. In 1866 the negro could not vote. The plan deliberately selects a period antedating the adoption of the Fifteenth amendment, and provides that only those can vote who could vote before its adoption. The Supreme Court in this case holds that such a provision is necessarily in the teeth of the Fifteenth amendment; that it is a wholesale exclusion of the negro because he is a negro, and was necessarily designed for this purpose. That this is the decision of the court is made manifest by the language of Mr. Chief Justice White in the opinion, where he says: "It is true that it contains no express words of exclusion from the standard which it establishes of any person on account of race, color, or previous condition of servitude, prohibited by the Fifteenth amendment, but the standard itself inherently brings that result into existence, since it is based purely upon a period of time before the enactment of the Fifteenth amendment, and makes that period the controlling and dominant test of the right of suffrage."

But, mark you, the decision of the court, as here announced, is not directed against the extension of the privilege to the descendants of the voter who was entitled to vote in 1866, but is directed against the exclusion of those who could not vote in 1866. If, however, the court had upheld the right of the state to adopt the provision as to the voter qualified to vote in 1866 and the provision as to the exclusion of the citizen who was not entitled to vote in 1866, it is impossible to see how the right of the state could be denied to extend both the privilege and the exclusion to the descendants.

The Alabama constitution, it seems, created a property and educational qualification for suffrage but exempted citizens of good character who had served in the previous wars of the country and their descendants.

Mr. Knox argues that this made no sort of distinction on account of "race, color or previous condition of servitude." He argues it is patriotic and customary to reward soldiers and their descendants.

He also cites that fact that Massachusetts in adopting an educational qualification for voters exempted those who were already voters.

In Alabama, Georgia and Virginia Mr. Knox says a negro, soldier or the descendant of a negro soldier of good character is not barred from the elective franchise, and that neither are negroes who have the requisite property qualification, and that there is absolutely no violation of the Fifteenth amendment.

This is all quite ingenious and possibly it might stand the test of the courts, but the fact remains that the intent of this provision was to exclude the mass of negro voters, while it worked disfranchisement to very few whites.

Practicably all Alabama white men have had soldier ancestors and many were themselves soldiers. The reverse is true of the negroes.

But there is at least enough force in Mr. Knox's argument to compel another court decision before this point can be held to have been adjudicated. There is an evident distinction between the Alabama and the Oklahoma requirements.

In any event there is little need to worry about the matter. There is not going to be a return to reconstruction conditions in the South whatever the suffrage laws may provide.

TRY TO STOP NEGRO VOTES.

Oklahoma Democrats Seek to Find a Substitute for Grandfather Clause.

MUSKOGEE, OK., Oct. 7.—Gov. R. L. Williams is in Muskogee today ostensibly to attend the state fair, but in reality to hold a conference with Democratic leaders on a plan to rewrite upon the statute books a law to take the place of the grandfather law, which was designed to prevent illiterate negroes from voting and which was held unconstitutional by the supreme court.

No announcement was made, but it is believed the conference will result in calling a special session of the legislature this winter. Congressmen W. W. Hastings, Scott Ferris and James S. Davenport are attending the conference with the governor.

New York Herald

26 June 1915

MRS. GRANNIS PLEASED.

TO THE EDITOR OF THE HERALD:—

The letter published June 24 at the head of your column of letters, referring to political justice for the negro race, is to me one of the most impressive letters you have published during the last forty years. Every good citizen who believes in fair dealing with reference to the Fifteenth Amendment, or any part of the constitution, has good reason to commend not only the sentiment expressed by Rufus Lewis Perry, of Brooklyn, but every well wisher for this government may well express gratitude to the HERALD for giving this letter the first and most honored place in its correspondence columns. * * *

When this government extends justice to those which it considers the dependent races it may prove its readiness to receive millennial blessings by being an example to all races and nations.

ELIZABETH B. GRANNIS.

NEW YORK CITY, June 27, 1915.

Court Decisions Affecting the Negroes—1915

Poughkeepsie Eagle
AUG 6 1915

The White South's Advantage.

THE Supreme Court's decision annulling Maryland's and Oklahoma's "grandfather clause" does not appear to have caused alarm in the South. A prominent Virginia newspaper accepts it as a matter of course. North Carolina editors quietly point out that the "grandfather clause" expired by limitation in that State six yeras ago and remark that there are other means not open to legal objection of restricting the negro vote. South Carolina's newspaper of largest circulation observes that the negroes, knowing "which side their bread is buttered on" are not eager to go to the polls.

For a number of reasons the whites of the Southern States no longer need, if they ever needed, a "grandfather clause" to aid them in controlling the elections. The poll tax alone, which is usually higher than in the average Northern State, prevents vast numbers of blacks from voting, and literacy requirements, even if impartially enforced against both races, still give the whites an immense advantage, although this particular advantage is likely to disappear in the course of years.

Already some concern has been expressed by Southern editors in the presence of the fact that for some years past in many districts the negroes have shown a greater determination than a considerable class of the whites to take advantage of the public schools, and this has been employed as an argument in favor of compulsory education. Many reports have indicated that the negroes were less in need of such a spur than a considerable class of ignorant white parents. Large numbers of negroes appear to be ready to make sacrifices in order to obtain an education for their children in the State-supported public schools for the blacks, and the negro educators have shown great persistence and shrewdness in appealing to Northern philanthropists for funds for the colleges open to negro youths. The census figures actually show a more rapid reduction of illiteracy among the blacks than among the whites. In Georgia, for example, between 1900 and 1910 the percentage of illiterates among the black dropped from 67 to 36.5 and among the whites from 12 to 7.8.

But the white South has at least one permanent advantage which, to all appearances, can be safely relied on. We refer to the fact that the whites, even without the aid of immigration which is as yet but slight, are increasing more rapidly than the blacks. Between 1900 and 1910 in the States of the South—including Delaware and the District of Columbia—the rate of the increase of the whites over the blacks was considerably greater than in the country generally, the white population gaining 24.4 per cent., and the negro population only 10.4 per cent. In the ten years named, the white South gained more than four millions and the blacks but little more than eight hundred thousand. Outside the South in the same period the whites increased 21.7 per cent. and the blacks 18.4 per cent. In thirty years the whites of the South have increased 94.7 per cent. and the negroes only 46.9 per cent. The migration of negroes into the Northern States has not been of sufficiently large proportions to account for all this, and it would appear that the Southern whites are increasing more rapidly than the blacks from purely natural causes.

With such a growing advantage in population, in future the white South—except in the "black belt" districts—can readily retain political supremacy without the aid of schemes designed to restrict the negro vote.

JUN 22 1915

Buffalo, N. Y.

Enquirer

STRANGE AS IT MAY SEEM.

A quitter is not one who knows when to quit.

GOOD DEED UNANIMOUSLY DONE.

TO KILL the vote of the illiterate negro and save the vote of the illiterate white man was the problem the lawmakers of sundry southern states undertook to solve.

To that end, the "grandfather clause," a device without right or reason, was adopted.

The unanimous decision of the United States supreme court, annulling a provision of the Oklahoma Constitution and the Annapolis, Md., voters' qualification law, announced yesterday, it is believed puts an end to all subterfuges designed to keep the illiterate white a voter while barring the illiterate black. If so, the decision is a triumph of right and reason.

If the illiterate white man would vote in states imposing a literacy test, he should learn to read and write. He should not rely on his ancestry or be permitted an exemption.

It is particularly gratifying that the decision was rendered by a unanimous court with a native of the south and ex-soldier of the Confederacy at its head.

GRANDSIRE CLAUSE DECLARED INVALID

U.S. Supreme Court Knocks Out Legislation by Southern States to Get Rid of the Negro Vote.

Washington, June 21.—In probably one of the most important race decisions in its history the supreme court today annuled as unconstitutional the Oklahoma constitutional amendment and the Annapolis, Md., voters' qualification law restricting the suffrage rights of those who could not vote or whose ancestors could not vote prior to the ratification of the fifteenth amendment to the federal constitution.

Chief Justice White, a native of the south and a former confederate soldier, announced the court's decision, which was unanimous except that Justice McReynolds took no part in the case.

Invalidates Much Legislation.

By holding that conditions that existed before the fifteenth amendment, which provides that the right to vote shall not be denied or abridged on account of race, color or previous condition of servitude prohibited by the fifteenth amendment, it is generally believed that the court went a long way toward invalidating much of the so-called "grandfather clause" legislation of southern states.

The immediate effect of the court's decision was to uphold the conviction of two Oklahoma election officials who denied negroes the right to vote in a congressional election, and to award three Maryland negroes damages from election officials in Annapolis who refused to register them. The court held that these election officials could not ignore the potency of the fifteenth amendment in wiping out of state constitutions the word "white" as a qualification for voting. In the Maryland case the court's decision established the point that the fifteenth amendment applies alike to municipal as well as to federal elections.

Views of Justice White.

Discussing the Oklahoma cases, Chief Justice White said the suffrage amendment to the state constitution first fixed a literacy standard, and then followed it with a provision creating a standard based upon the condition existing on January 1, 1866, prior to the adoption of the fifteenth amendment, and eliminated those coming under that standard from the inclusion in the literary test.

The court had difficulty, he said, in finding words to more clearly demonstate its conviction that this action of the state recreated and perpetuated the very conditions which the fifteenth amendment was intended to destroy than the language used in the amendment.

"It is true," continued the chief justice, "that it contains no express words of an exclusion from the standard which it establishes of any person on account of race, color or previous condition of servitude prohibited by the fifteenth amendment, but the standard itself inherently brings that result into existence since it is based purely upon a period of time before the enactment of the fifteenth amendment and makes that period the controlling and dominant test of the right of suffrage.

15th Amendment Disregarded.

"In other words, we seek in vain for any ground which would sustain any other interpretation but that the provision, recurring to the conditions existing before the fifeenth amendment was adopted and the continuance of which the fifteenth amendment prohibited, proposed by, in substance and effect, lifting those condition over a period of time after the amendment to make them the basis of the right to suffrage conferred in direct and positive disregard of the fifteenth amendment. And the same result, we are of opinion, is demonstrated by considering whether it is possible to discover any basis of reason for the standard thus fixed other than the purpose above stated.

"We say this because we are unable to discover how, unless the prohibitions of the fifteenth amendment were considered, the slightest reason was afforded for basing the classification upon a period of time prior to the fifteenth amendment. Certainly it cannot be said that there was any peculiar necromancy in the time named which engender attributes affecting the qualification to vote which would not exist at another and different period unless the fifteenth amendment was in view."

Restriction of Power on States.

The chief justice had prefaced this statement by a development of the ar-

...imposed ...rument on the ...ver suffrage was ...s limits of the power ...so set forth the princi- ...hile in the true sense the ...teenth amendment gives no "right" or suffrage, "it was long ago recognized that in operation its prohibition might measurably have that effect; that is to say, that as the command of the amendment was self-executing and reached without legislative action the conditions of discrimination against which it was aimed, the result might arise that as a consequence of the striking down of a discriminating clause a right of suffrage would be enjoyed by reason of the generic character of the provision which would remain after the discrimination was stricken out."

This was said by way of answer to the argument of attorneys for the election officials that the fifteenth amendment was meaningless because there was no such thing under the American form of government as a "right" to vote.

Sketch of Grandfather Clause.

For more than fifteen years the "Grandfather Clause" has been inserted in constitutions of southern states. The most popular form has been to exempt from educational and property tests for voting those who could vote in 1866, 1867 or 1868, thus leaving the tests to apply to those who did not vote at those dates.

The Oklahoma grandfather clause provides "that no person shall be registered as an elector in this state, or be allowed to vote in any election herein, unless he be able to read and write any section of the constitution of the state of Oklahoma, but no person who was, on January 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendent of such person, shall be denied the right to register and vote because of his inability to so read and write sections of such constitution."

The Clause in Maryland.

In Maryland the clause was inserted in laws governing elections in various cities. In 1908, it was inserted in the law governing municipal elections in the city of Annapolis. It authorized the registration as voters of all taxpayers of the city assessed for at least $500; all duly naturalized citizens, all male children of naturalized citizens 21 years of age, and "all citizens, who prior to January 1, 1868, were entitled to vote in the state of Maryland or any other state of the United States at a state election, and the lawful male descendents of any person who prior to January 1, 1868, were entitled to vote in the state of Maryland or in any other state of the United States at a state election."

Various arguments were advanced to meet the attack that these clauses violated the fifteenth amendment to the constitution providing that "the right of citizens of the United States to vote shall not be denied of abridged by the United States or by any state on account of race, color or previous condition of servitude."

Another line of argument was that the clauses did not "deny" or "abridge" the right of negroes to vote, as forbidden by the fifteenth amendment, but it merely discriminated against them by allowing those not negroes to vote without meeting the qualifications imposed ostensibly upon all.

Effect of Decision on Georgia.

It is not regarded as probable that the ruling of the United States supreme court holding the Oklahoma grandfather clause unconstitutional will effect the corresponding provision of the constitution of Georgia. Such is the opinion ventured last night by prominent authorities in Atlanta, which opinion, of course, is based upon the information contained in the dispatch from Washington.

Senator Hoke Smith, whose first campaign for governor was successfully made upon the grandfather clause issue, last night gave The Constitution the following statement regarding the ruling of the supreme court:

"I could not discuss the decision until I have seen it in form, but it was generally conceded in Washington by those representing both sides of the case that such a ruling would not affect constitutional amendments similar to that of the constitution of state of Georgia."

A VICTORY.

At last, the American Negro gets a favorable decision from the United States Supreme Court. The decision recently handed down which kills the "grandfather clauses" is the greatest national victory achieved for the race since the adoption of the Fifteenth Amendment.

The decision is against the restrictions imposed by the states of Oklahoma and Maryland, but is so broad and far-reaching it renders unconstitutional every law relating to the franchise which does not in letter and spirit apply equally to white and black citizens. This will evidently carry consternation to the hearts of those who believe, or pretend to believe, that the spirit of the nation depends upon fixing the laws so as to give all white men a perpetual right to vote, and denying the vote to black men.

This is the second time within a year that the highest court in the land has taken a favorable attitude on rights of the Negro as an American citizen. Some months ago a majority of the Supreme Court expressed the opinion that the "Jim Crow" laws were unconstitutional. No decree was handed down, but the opinion expressed was not only a partial victory for the race, but was a distinct change in the historic attitude of the Court.

This recent opinion is not a mere opinion, but is handed down as a formal decision. It deals the death blow to "grandfather clauses" and all other legalized frauds and subterfuges for depriving the Negroes of the right to vote.

It is a matter of comment that both these recent favorable decisions were drawn out on cases coming up from Oklahoma. The state of Oklahoma is leading in the New Emancipation.

New York Sun

June 1915

G. O. P. TO REGAIN LOST NEGRO VOTE

Leaders Say Defeat of "Grandfather Clause" Will Be Big Benefit.

FIVE STATES AFFECTED

WASHINGTON, June 22.—Republican leaders in Washington to-day claimed a distinct advantage from the decision handed down by the Supreme Court yesterday in the "grandfather clause" cases from Oklahoma and Maryland.

The effect, it was said, would be to reinvest with suffrage a large number of negro voters in many of the Southern and border States where restrictive laws now held to be invalid have been in operation to exclude the negroes from the polls. In Oklahoma, West Virginia Maryland, Virginia and Kentucky the gain to the Republicans probably will be material.

The effect will be felt in the next Congressional contest unless the Southern States pass other laws before the elections in 1916 that will exclude the negroes. The decision of the court, read by Chief Justice White, upheld the literacy test as a perfectly proper one when made applicable to whites and blacks alike. Republicans claim that with negroes voting in Oklahoma, Maryland, Kentucky and West Virginia the Republican representation from those States is certain to be increased.

The possibility of a revival of the Federal elections supervision bill, by which Federal authority may be invoked in State elections involving the choice of Senators under the popular election and of Representatives, was talked in political circles here to-day. It was recalled that the last bill of this kind, the Lodge force bill, failed for want of a cloture rule.

Republican leaders said to-day that if the next Congress should be Republican the chances for passing the Federal supervision law would be made certain by the cloture rule, which the Democratic managers seem certain to impose upon the Senate at the next session of Congress.

Senator Owen, chairman of a subcommittee which has the matter in hand, is ready to report a plan for cloture at the beginning of the next session, and Leader Kern of the Democratic side, while in Washington recently, predicted that it would become a rule of the Senate. Republicans are not to oppose the cloture rule when passed, holding that it will be serviceable to them later, if they come into power, to pass a Federal election law to protect the negro voters in the South from disfranchisement.

Republican leaders will hold a meeting as soon as Congress meets to take up the whole subject and formulate action.

A phase of the affair is the appeal of Mayor Donn M. Roberts and his political co-conspirators in the Terre Haute election fraud cases from the verdict and sentence to imprisonment at Leavenworth, where they are now serving for election frauds practised at an election where votes for Senator and Representatives were cast. The convictions were obtained under the Federal law by a Democratic United States attorney, acting under instructions from an Administration that is Democratic in Washington.

It was explained by Republican leaders to-day that if Federal laws may be invoked to punish conspirators against the elective franchise at elections called to choose Senators and Representatives, as well as State and local officers, a way has been found at last by the Democrats themselves by which a Republican Administration may punish those white leaders in the South who prevent the negro from enjoying the franchise.

All this, however, is contingent on the affirmation by the Supreme Court of the conviction of the men at Terre Haute who practised fraud against the ballot.

Two means of restricting the colored vote in the South and at the same time remaining within the bounds of the Fifteenth Amendment were pointed out to-day. These two means are furnished by the Georgia Constitution, which requires first the payment of a poll tax and secondly that a voter shall be subject to non-registration unless he understands the principles of a republican form of government.

The negro is naturally averse to the payment of poll taxes, especially where they are cumulative.

NEW ORLEANS, PICAYUNE.

JUN 22 1915

OKLAHOMA CASE PUTS NEW ISSUE UP TO LAW MAKERS

Beyond putting a new issue up to the Constitutional Convention, the decision of the United States Supreme Court Monday, declaring unconstitutional the "grandfather clause" of the Oklahoma constitution, will have little effect in Louisiana. The convention, however, will face the problem of whether the several thousands of illiterate white voters, possessed of no property, and for whom the "grandfather clause" in the Louisiana constitution originally was created, shall be disfranchised, or be admitted to the franchise through some new method.

Gov. Hall, when reached at Baton Rouge by telephone Monday night, and asked about the effect of the decision on the Louisiana "grandfather clause," said:

"The Louisiana 'grandfather clause' has expired by limitation. The decision coming at this time, therefore, will have no affect."

"But if the issue were raised, would it not wipe out the rights of those registered under the 'grandfather clause?'" he was asked.

"Who is going to raise the question? Off hand, I should say a man would have to be a voter to raise the question, and what interest would he have in raising it if already he had the vote?" the Governor answered.

James C. Henriques, prominent attorney and chairman of the Democratic parish committee, said:

"The brief outline of the decision given in the news dispatches is not sufficient upon which to base an intelligent opinion as to whether Louisiana's Section 5 falls. It will be necessary to await copies of the opinion. However, Louisiana will not be affected unless the issue is raised in this state, and if it is raised the Constitutional Convention can meet it promptly."

Definite figures on the number of voters registered under the "grandfather clause," which is known as Section 5, were not available Monday night, but the number in this state is estimated at about 12,000. The report of the Secretary of State for 1910 gave the total as 9,801. The clause was re-opened by constitutional amendment in 1912, however, and about 5,000 were added to the rolls. Erasures due to death, removal and other causes, have been numerous, however, and 12,000 is a liberal estimate. Of the 12,000 it is estimated probably half could register under the other provisions of the constitution, educational or property qualifications.

The most important effect of the decision may be the re-opening of the whole suffrage question by the Constitutional Convention.

N.Y. Ev. Post

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Oklahoma Law Cutting Negro Vote Annulled

Washington, June 21.—The Oklahoma constitutional "grandfather clause" restricting the negro vote was to-day annulled as unconstitutional by the Supreme Court.

The "grandfather clause" in the Annapolis (Md.) election statute was also annulled as unconstitutional by the Supreme Court.

GRANDFATHER CLAUSE EXPIRED IN GEORGIA

Special to THE NEW YORK AGE.

New York Age

Jan. 21 1915

ATLANTA, Ga., Jan. 1, 1915, the "grandfather clause" in the Georgia election law expired by limitation and the white voters can no longer avail themselves of its exemptions.

The clause exempted a veteran or legal descendant of a veteran from all qualifications to vote except the payment of taxes. It operated against the Negroes, although not mentioning them specifically. White and black voters are now admitted to the polls on the same footing.

cisions Affecting the Negroes — 1915

"GRANDFATHER CLAUSE" ABOLISHED.

Since the close of the Civil War, by whose results the American Negro was freed from the shackles of physical bondage the chief topic and interest of the South has been "to solve the Negro problem." The sudden emancipation of more than four millions of slaves kept for more than two hundred years under a system of enslavement that goes down in history as the most degrading, and their continuing to dwell among their former masters, was sufficient to create a problem—a problem serious and vital—a problem not for the former master and his descendants alone, but for the former slave and his descendants. To call it, therefore, a "Negro problem" alone is a misnomer. It is civiliation's problem. It is Christianity's problem. It is humanity's problem.

The Problem.

What is the real problem? Here it is, pure and simple: Given the conditions above stated, how can the former white master and his descendants, and the former Negro slave and his descendants, dwell in the same country and under the same government and be of largest service to each other in maintaining and promoting a truly Christian civilization? How can they best help each other in attaining the loftiest ideals possible? What are their mutual obligations as representing two distinct elements—the strong and the weak? How can these two separate and distinct races best confer over civilization's intricate questions? How can each serve the other best?

The Negro Problem.

But this is not what is meant by the "Negro problem" as advanced both in theory and practice for the past forty or more years by Southern whites. This is the "Negro problem" in theory and practice: "How can the white man keep the Negro down? How can he keep him down politically, socially, educationally, economically and morally? How can the white man most successfully humiliate and intimidate the Negro? How long will it take to unman and completely discourage the Negro? How little can the government do for the Negro in the way of protection and help and keep up the form of a democratic government? How can laws be worded to discriminate against the Negro and have the semblance of fairness?"

If anyone doubts this to be both the theory and practice of the "Negro problem" as advanced by the majority of Southern papers and public men, let them read the speeches of leading politicians on all occasions where the Negro's status is being discussed. Many do not attempt to hide it, especially when they are bidding for ofce, as in the cases of Senator Hoke Smith of Georgia, Senator Tillman of South Carolina, Senator Vardaman of Mississippi, and former Senator Davis of Arkansas, as well as in the cases of many others of less note.

To take the ballot from a people or a race deprives them of the highest privilege and most vital right under a ffee government. Upon this hinges their ability to demand any or all other rights. With the ballot goes political, social, educational, economic and all other rights. A people without the ballot is in a pitiable condition. That a few individuals may have it counts for naught, if by injustice and ingenious wording thousands of deserving ones are robbed of the precious right.

It has been the purpose and practice of every Southern State but one to disfranchise the Negro. It has been done not in a way nor with the purpose to have the Negro prepare for the right use of the ballot, but to eliminate him from political influence. It was not done by raising a common standard for the ballot, but by designed discrimination. That discrimination took the form of what has become universally known as the "grandfather clause," put into the State constitutions. This is a clause adopted in the constitutions of the several States of the South, providing that, though one may be absolutely ignorant, if his father or grandfather took part in any war previous to 1861, he can vote, but no other illiterate can vote. That gets all the Negroes, of course, which is the purpose of the clause, as expressed by an editorial in the Birmingham News under date of June 22. The News says:

"The 'grandfather clause' is an ingenious device designed to keep the unlettered white voter from being disfranchised along with the ignorant black. Under its provisions it is possible for one whose father or grandfather fought in any war in which this country was involved, to become a voter, irrespective of the educational qualification that may be prescribed. Practically every white man in the South can qualify under this clause, regardless of his lack of 'book learning,' whereas few Negroes can do so."

After mentioning the other drawback of the accumulative poll tax feature, the News goes on to say:

"This is sufficient guarantee that Alabama will not be troubled by the presence of a vast army of Negro voters, unless conditions should be very materially changed."

The News openly, as all other frang publications and speakers do, says the purpose was to disfranchise ignorant blacks without disfranchising ignorant whites. This is wrong in principle and in practice, and "a question is never settled until settled right."

Our Anglo-Saxon neighbors should not only not desire, but with their proud boast of superiority, should refuse any special advantage over the sons of ex-slaves. It is not worthy of their great courage. They should at least be willing to an even start and a fair race. Put the thoroughbred and the donkey on the track and pin the blue ribbon on the winner.

But that "grandfather clause" has been abolished. It was decided June 21st by unanimous consent of the Supreme Court that the "grandfather clause" is in violation of the fifteenth

Neger-Stimmrecht.

Washington, 21. Juni. Das oberste Bundesgericht hat heute in zwei Fällen, einem aus Oklahoma und einem andern aus Maryland, erklärt, daß die sogenannte Großvater-Klausel ungültig ist. Nach derselben dürfen in manchen Südstaaten nur solche Personen stimmen, deren Vorfahren schon vor dem Bürgerkrieg das Stimmrecht besessen haben. Dadurch werden natürlich alle Neger entrechtet. Diese Gesetze hat nun der oberste Gerichtshof für im Widerspruch mit dem 15. Zusatz zur Bundesverfassung bestehend erklärt.

SQUIRE TROUP IS A UNIQUE NEGRO JUDGE IN LAWRENCE COUNTY

(Special to The Advertiser.)

MOULTON, ALA., Dec. 17.—The Kongo states and Haiti may have negro rulers and officials, but Lawrence county claims to have the only negro justice of the peace in Alabama and possibly in the United States. His name is Squire Gilford Troup and he owes his election to the white voters of the Red Bank beat near Moulton. He has been justice of the peace for the last twenty-four years, being elected for the first ten years by the negroes of his district. Then when the new constitution of 1901 deprived many negroes of the right of suffrage, he appealed to his "white folks." The white people liked the old negro so well that they have elected him ever since.

When Judge Robert Brickell, judge of the eighth district, opened court here Monday morning he saw this unique figure of slavery for the first time. "Judge Brickell meet Judge Troup," said Solicitor D. C. Almon when the negro magistrate came in the room. The new judge of the circuit court and the old timer warmly shook hands. The old negro is one of the sights of court week as he always comes to make his report to the grand jury.

GUILTY OF OPPRESSING NEGROES.

Conviction of Oklahoma Officials Aver Grandfather Clause Affirmed.

DENVER, October 8.—The United States Circuit Court of Appeals to-day confirmed the conviction of Frank Quinn and J. J. Beal, election officials of Kingfisher County, Okla., for conspiracy to oppress negroes by the enforcement of the Oklahoma "grandfather clause."

amendment of the constitution of the United States.

It is a most hopeful sign that Chief Justice White, a native Southerner and an ex-Confederate soldier, rendered the unanimous decision. There were other Southern men on the bench. Lofty-minded Southerners are rising up to the defense of justice. In church and state there are some who are "the salt of the earth," and the day of the demagogue is passing away.

This is the first time in the history of the Supreme Court that any great sweeping decision involving the manhood rights of the Negro has ever been rendered. It remained for a bench with several "high-toned" Southern men on it to hand down such a decision.

There should be some State decisions regarding Negro State schools, county schools and city schools. The shameful division in the Southern States of the national appropriations to public education should be remedied. The poor provision, meagre equipment and miserable pay for teachers in the common schools should also have decisions.

The best Southern white people are themselves ashamed of the public schools provided for Negroes. In some cases the provisions are almost worse than no provisions. The entire control of the public schools for Negroes is in the hands of the white people.

It is sometimes thought that because the Negro does not complain, he is satisfied. Not so. No people were ever more dissatisfied with conditions under which they must live than the Negro. Only a few express it, but that is all the worse. The feelings of being wronged by those who are in position to do so with apparent impunity are longer cherished and more intense in the man who suffers in silence. This awful feeling is growing and growing among all classes. The corners of the streets could tell stories of the inner life of thousands of Negroes that open their souls only to their kind. The country roadside, the private homes, the lonely walks, the Sunday afternoon chats, are full of feelings of being wronged. Negroes have feelings, and human feelings. Sometimes the presence of force prevents expression, but so much the worse for that. Force never made any man better.

The effort, the open effort, not only at segregation in city and country, but as in the case of Dr. Clarence Poe of North Carolina, to prevent Negroes from buying land—farm land—is a disgrace on our American civilization. It is reputed that the Farmers' Unions of 48 States are backing this propaganda not to sell Negroes farm lands. This is no secret. Dr. Poe has recently been speaking at the University of Virginia and boasting of the spread of his idea.

The Birmingham News has this to say regarding the Negro's desire to cast the ballot: "The truth is, the Negroes of Alabama have become pretty well reconciled to existing conditions, and it is not likely that they will attempt to regain their former position of power at the polls, even though there existed a possibility of success."

The Negroes of Alabama would deserve the contempt of the world if they were satisfied with existing conditions. The Negroes believe that a uniform requirement for the ballot should be made and the test applied without discrimination. How could the Negroes of Alabama agree with a case of this kind: "Three reputable Negroes of Birmingham went to register last spring. One could meet every test, having property; not only educated, but a college graduate; had lived in Alabama for twenty years and more—but was refused registration. Another, a pastor of a leading church, a college graduate, had lived in the State and city the required time, could meet the literacy test and had any number of endorsers—refused registration. A third Negro could read and write, owned thousands of dollars' worth of property in his own name, had any number of endorsers, but could not give satisfaction on the words "ex-post facto" in the constitution—refused registration. Can men be satisfied with that? Then they are not men.

The Negroes generally are quite willing to any test that shall be applied without prejudice. Ignorant hordes of people of no race are suited to help shape the affairs of government.

Should War Come.

Should the United States become involved in a war that would demand all her strength, what would be her most serious handicap? The ignorance of her black population. Kept out of the best school advantages; kept from justice in the courts; kept from feeling that they have any claim on their country's soil; kept in a state of bad feelings; kept from any military training! Think of it! Nearly one-eighth of the entire population indoctrinated with the idea that their presence is only tolerated. With what spirit would or could these men go to war? The condition is a serious one.

The Negro has always proved loyal to his country. He has ever supported her flag. His blood has stained every battlefield from the days of the revolution to the present. But can a people continue patriotic unless their government protects and encourages them in their highest development?

Give us some more Judge Whites and Lamars and such other noble souls for church and state in this dear old Southland!

Every Southern State should with bowed head expunge every "grandfather clause" and similar legislation on its statutes designed to put the Negro to disadvantage, and get ready for true race co-operation. Every Negro should feel that every white man wishes him well and vice versa. Every Negro, however humble, should feel that it is the purpose of law and the courts to see that he is given a man's chance in the protection of his life and in his pursuit of happiness.

Let the policy be "All men up."

Good-bye, "grandfather clause!" We are sorry you came, and glad you are gone. Good-morning, "fair play;" we are glad to see you, and sorry you stayed away so long. Stay! Stay Stay forever! Dwell with us! Roam over our fair Southland. She is fair, but with you she will be fairer.

Birmingham AGE HERALD

JUL 16 1915

THE NEGRO VOTE

From the New Orleans Picayune.

The decision of the United States supreme court in the grandfather suffrage clause cases from Oklahoma and Maryland is beginning to be understood; and the hopes aroused in some of the republican leaders that it meant a restoration of the suffrage to all negroes are rapidly disappearing as they learn the facts—that the grandfather clause had practically nothing whatever to do with the negroes and neither added to nor reduced the number of negro voters, being designed to open the suffrage to illiterate whites. If all the grandfather clauses in the country meet with the same fate as those of Oklahoma and the Maryland towns, as seems inevitable, it will not increase the number of negroes voting by one. On the contrary, it will have the effect of disfranchising a few who enjoy the suffrage now; for, as is not generally known, a number of negroes claim the ballot under the grandfather clause in Louisiana on the ground that their ancestors had voted in Massachusetts or some other northern state prior to 1867. These negroes will be stricken from the "permanent roll" together with those of illiterate whites born there whenever the decision of the supreme court goes into effect in Louisiana. There is no political consolation in this for the republicans and they will not be able to revive any real politics on this account; which news will be received with equal satisfaction by the southern whites and by the negroes. The latter are indeed fortunate in not being shoved to the front to make capital for republican politicians.

As a matter of fact, the decision in the Oklahoma case is not of the slightest political importance in the south. The question of negro suffrage has been settled—and settled rightly—by the poll tax and in other ways; and the grandfather clause cut little or no part in the settlement; it merely helped to disarm any opposition from the illiterate whites. There is no chance of any revival of it, of the adoption of any modification. As our Washington correspondent points out, there is no disposition on the part of southerners to adopt subterfuges to admit illiterate whites to the ballot. With our improved schools, it is felt that any white man who wishes to learn to read and write ought to be able to do so.

Court Decisions Affecting the Negroes—1915

UNITED STATES SUPREME COURT KILLS THE GRANDFATHER CLAUSE

Oklahoma and Maryland Restrictions on Suffrage Declared Illegal and Negro Has Right to the Vote

LITERACY OR PROPERTY TESTS APPLY TO ALL MEN

States Cannot Use Qualification Tests as a Subterfuge for the Disfranchisement of Negro Voters, Declared Chief Justice White, a Native Southerner and Former Confederate Soldier, Who Handed Down the Opinion.

SUPREME COURT IS UNANIMOUS IN THE DECISION

Decision Sustains Fourteenth and Fifteenth Amendments—Convictions of Court Officials in Oklahoma and Maryland for Refusing to Allow Negroes to Vote or to Register are Upheld by this Decision—Damages Awarded Three Negroes in Maryland—What Effect Decision Will Have on Other Southern States

Special to THE NEW YORK AGE.

WASHINGTON, D. C., June 23.—The "grandfather clause," by which Southern States have disfranchised hundreds of thousands of Negroes, while permitting any white man to vote, received its death blow from the Supreme Court of the United States on Monday, June 21.

The decision of the court that the "grandfather clause" was unconstitutional was unanimous, and is virtually the first ruling by the highest court on this point. The court has side-stepped this issue several times, but the question is now answered so fully in the negative that it is doubtful whether any further laws aimed at disfranchising the Negroes will include the "grandfather clause."

This decision invalidates the "grandfather clause" of the Maryland law, only recently adopted, and applied only to State and city elections, and the similar clause in the Oklahoma law, which applied to all elections. The Maryland law was an attempt to avoid any national issue on which the case could be taken to the Supreme Court.

Property and Other Tests for Maryland Voters also Rejected.

Property and other tests for voters enacted by the Maryland Legislature for Annapolis in the same act in which the "grandfather clause" was inserted was held to be so closely related to the latter clause as to make all the qualifications fall.

In the case of Oklahoma, the clause was embodied in an amendment to the State Constitution, which imposed a literacy test from which those who were entitled to voe prior to January 1, 1866, those who were then foreigners, and their lineal descendants were exempted. As to Maryland, the clause was embodied in a law relating to registration in municipal elections.

Chief Justice White handed down first the court's opinion in the Oklahoma case, and lawyers agreed that the ruling out of the Maryland statute was then inevitable. Most of the Constitutional reasoning of the court was set forth in the Oklahoma case. It was remarked that Justice White is a native of the South and a former Confederate soldier.

Oklahoma's Restriction.

The case arose from the indictment and conviction of certain election officials in Oklahoma for their part in enforcing the State Constitutional amendment in question at the general election of 1910. Monday's opinion was technically in answer to questions certified to the Supreme Court by the United States Circuit Court of Appeals for the Eighth Circuit.

The Constitution of Oklahoma, upon which that territory was admitted to the Union as a State, gave something very like manhood suffrage. Prior to the election of 1910, however, an amendment was adopted restricting the franchise. The amendment in part was as follows:

> No person shall be registered as an elector of this State or be allowed to vote in any election herein unless he shall be able to read and write any section of the Constitution of the State of Oklahoma; but no person who was on January 1, 1866, or at any time prior thereto entitled to vote under any form of government, or who at any time resided in some foreign nation and no lineal descendant of such person shall be denied the right to register and vote because of his inability to so read and write sections of such Constitution.

Chief Justice White's Opinion.

The contentions of the election officers as plaintiffs in error, really setting forth the position of the State, are thus outlined by the Chief Justice:

> "It is said that the States have the power to fix standards for suffrage and that power was not taken away by the Fifteenth Amendment but only limited to the extent of the prohibitions which that amendment established. This being true as the standard fixed does not in terms make any discrimination on account of race, color or previous condition of servitude, since all, whether Negro or white who come within its requirements, enjoy the privilege of voting, there is no ground upon which to rest the contention that the provision violates the Fifteenth Amendment. This, it is insisted, must be the case unless it is intended to expressly deny the State's right to provide a standard for suffrage, or what is equivalent thereto, to assert: (a) That the judgment of the State exercised in the execution of that power is subject to Federal judical review or to supervision, or (b) that it may be questioned or brought within the prohibitions of the amendment by attributing to the legislative authority an occult motive to violate the amendment or by assuming that an exercise of the otherwise lawful power may be invalidated because of conclusions concerning its operation in practical execution and resulting discrimination arising therefrom, abeit such discrimination was not expressed in the standard fixed or fairly to be implied, but simply arose from inequalities naturally inhering in those who must come within the standard in order to enjoy the right to vote."

The Government's View.

The Government insisted, on the other hand, that the "real question involved" is the repugnancy of the standard which the amendment makes, based upon the conditions existing on January 1, 1866, because on its face and inherently considering the substance of things, that standard is a mere denial of the restrictions imposed by the prohibitions of the Fifteenth Amendment and by necessary results recreates and perpetuates the very conditions which the amendment was intended to destroy."

The Chief Justice summed up the opinion of the court in these words:

> "There seems no escape from the conclusion that to hold that there was even possibility for dispute on the subject would be to declare that the Fifteenth Amendment not only had not the self-executing power which it has been recognized to have from the beginning, but that its provisions were wholly inoperative because susceptible of being rendered inapplicable by mere forms of expression embodying no exercise of judgment and resting upon no discernible reason other than the purpose to disregard the prohibitions of the amendment by creating a standard of voting which on its face was in substance but a revitalization of the conditions which, when they prevailed in the past, had been destroyed by the self-operative force of the the amendment. * * * It is true it contains no express words of an exclusion, from the standard which it establishes of any persons on account of race, color, or previous condition of servitude prohibited by the Fifteenth Amendment, but the standard itself inherently brings that result to existence, since it is based purely on a period of time before the enactment of the Fifteenth Amendment and makes that period the controlling and dominant test of the right of suffrage.
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> "We are unable to discover how, unless the prohibitions of the Fifteenth Amendment were considered the slightest reason was affording for basing the classification upon a period of time prior to the Fifteenth Amendment.. Certainly it cannot be said that there was any peculiar necromancy in the time named which engendered attributes affecting the qualification to vote which would not exist at another and different period unless the Fifteenth Amendment was in view."

General Literacy Test Nullified.

The court took the view that ordinarily the question whether the nullification of the exceptions of the grandfather clause would at the same time make void the general literacy test to which it was appended would be for the State to decide. In the absence of a decision by a State court the Chief Justice, however, said that the Federal tribunal would pass upon the question. Ordinarily a provision like the literacy test, which is legal in itself, would not be destroyed by the wiping out of an illegal accompanying provision. But the plain meaning of the Oklahoma Constitution was that the reading test should not be used to disqualify lineal descendants of voters prior to 1866. As this would be accomplished in many cases by continuing the reading test without the offensive exemptions, the whole provision was stricken out.

The fight over the question of disenfranchising the Negro or restricting the Negro vote has been before the courts in one form or another for years. About fifteen years ago the so-called "Grandfather Clause" was invented. In its most popular form it exempted from educational and property tests for voting those who could vote in 1866, 1867 or 1868. In point of age the vote would have been of "grandfather" age.

In Maryland the clause was inserted in laws governing elections in various cities. In 1908 it was inserted in the law governing municipal elections in the city of Annapolis. It authorized the registration as voters of all taxpayers of the city assessed for at least $500; all duly naturalized citizens, all male children of naturalized citizens twenty-one years of age, and "all citizens who prior to January 1, 1868, were entitled to vote in the State of Maryland or any other State of the United States at a State election, and the lawful male descendants of any person who prior to January 1, 1868, were entitled to vote in the State of Maryland or in any other State of the United States at a State election."

Confirms Conviction of Election Officials.

Frank J. Guinn and J. J. Beal, Oklahoma election officers, were convicted for preventing Negroes from voting in the 1910 Congressional election and sentenced to imprisonment for one year and to pay a fine of $100. They ap-

pealed to the Appellate Court at St. Louis, which passed the case along to the Supreme Court without trying it. The lower court was upheld and the conviction confirmed by the decision.

In the Maryland case the court awarded damages to three Negroes, to be paid by election officials of Annapolis, who had refused to register them.

John B. Anderson, William H. Howard and Robert Brown, colored, of Annapolis, were responsible for the test case. Among counsel for them was former Attorney General Charles J. Bonaparte of Baltimore. Election officials at Annapolis refused to register these colored men so that they could vote in a municipal election. The refusal was based on the fact that they could not qualify under the "ancestor" rule. A civil suit for damages was instituted against Charles E. Meyers and A. Claude Kalmey, the election officials who barred them from registry. The United States Circuit Court for Maryland returned a verdict for nominal damages against the election officials and in favor of the colored men. The court held that under the fifteenth amendment they had the right to vote at all elections. The election officials demurred, claiming this amendment did not apply to State elections. The court overruled the demurrer and the officials appealed to the United States Supreme Court.

The court held that these election officials could not ignore the potency of the Fifteenth Amendment in striking out the word "white" as a qualification for voting, and that this amendment applies to municipal elections as well as to Federal elections.

HOW OTHER SOUTHERN STATES ARE AFFECTED

Special to The New York Age.

JACKSONVILLE, Fla., June 21.—The decision of the Supreme Court in the matter of the grandfather clause will in no wise affect political affairs in Florida. This State conducts all elections on the Australian ballot system, and this results in a practical elimination of the illiterate vote. This is the only educational requirement here.

Special to The New York Age.

NASHVILLE, Tenn., June 21.—Tennessee is not affected by the annulment of the "grandfather" clause. The Australian ballot system exists wherever the Negro vote would be likely to control an election.

The law requires the voter to mark his own ballot in secrecy. The Negro has not voted to any extent in the restricted counties except when he has been schooled, after a long, tedious process. In the rural districts the law has served to eliminate the Negro vote.

Special to The New York Age.

RALEIGH, N. C., June 21.—The grandfather clause expired in this State on December 1, 1908. Every person in this State, in order to vote, must be able to read and write any section of the State Constitution. The Negroes who could not register and vote under the grandfather clause are now excluded from voting by reason of the educational qualifications.

Special to The New York Age.

ATLANTA, Ga., June 21.—It is not regarded as likely that the ruling of the Supreme Court will affect the provision of the Constitution of Georgia.

Senator Hoke Smith, whose first race for Governor of Georgia was made successfully upon the issue of the grandfather clause, to-night made the following statement:

"I cannot discuss the decision until I have seen it in form, but it was generally conceded at Washington by those representing both sides of the case that such a ruling would not affect constitutional amendments simlar to that of the Constitution of the State of Georgia."

Special to The New York Age.

RICHMOND, Va., June 21.—Virginia is not disturbed by the Supreme Court decision. The new Constitution, which went into effect in 1902, contains no such clause. The Constitution provides for the registration of veterans who went through the war and for the registration of their sons. Then the property owner is qualified, and next comes the educational qualification of voters. The late John S. Wise attacked the Constitution on behalf of the Negroes of the State who are barred because of the educational clause. The Constitution was upheld by the courts.

Special to The New York Age.

LITTLE ROCK, Ark., June 21.—Arkansas has no grandfather clause.

Special to The New York Age.

COLUMBIA, S. C., June 21.—South Carolina has no grandfather clause. The right of suffrage is based on educational and property qualifications alone.

Philadelphia Record

22 June 1915

NEGROES' NEW FREEDOM IN HIGH COURT RULING

"Grandfather Clause" in Maryland and Oklahoma Declared Unconstitutional.

TO AFFECT OTHER STATES

Vote Discrimination Is Cited Violation of the Fifteenth Amendment

Washington, D. C., June 21.—In probably one of the most important race decisions in its history, the Supreme Court today annulled as unconstitutional the Oklahoma Constitutional amendment and the Annapolis, Md., voters' qualification law restricting the suffrage rights of those who could not vote, or whose ancestors could not vote, prior to the ratification of the Fifteenth Amendment to the Federal Constitution. Chief Justice White, a native of the South, and a former Confederate soldier, announced the Court's decision, which was unanimous.

By holding that conditions that existed before the Fifteenth Amendment, which provides that the right to vote shall not be denied or abridged on account of race, color, or previous condition of servitude, could not be brought over to the present day in disregard of this self-executing amendment, it is generally believed that the Court went a long way toward invalidating much of the so-called "grandfather clause" legislation of Southern States.

The immediate effect of the Court's decision was to uphold the conviction of two Oklahoma election officials who denied negroes the right to vote in a Congressional election, and to award three Maryland negroes damages from election officials in Annapolis who refused to register them. The Court held that these election officials could not ignore the potency of the Fifteenth Amendment in wiping out of State Constitutions the word "white" as a qualification for voting. In the Maryland case the Court's decision established the point that the Fifteenth Amendment applies alike to municipal as well as to Federal elections.

Perpetuates Race Feeling.

Discussing the Oklahoma cases, Chief Justice White said the suffrage amendment to the State Constitution first fixed a literacy standard, and then followed it with a provision creating a standard based upon the condition existing on January 1, 1866, prior to the adoption of the Fifteenth amendment, and eliminated those coming under that standard from the inclusion in the literacy test. The Court had difficulty, he said, in finding words to more clearly demonstrate its conviction that this action of the State recreated and perpetuated the very conditions which the Fifteenth amendment was intended to destroy, than the language used in the amendment.

"It is true," continued the Chief Justice, "that it contains no express words of an exclusion from the standard which it establishes of any person on account of race, color or previous condition of servitude prohibited by the Fifteenth amendment, but the Standard itself inherently brings that result into existence, since it is based purely on a period of time before the enactment of the Fifteenth amendment and makes that period the controlling and dominant test of the right of suffrage.

"In other words, we seek in vain for any ground which would sustain any other interpretation but that the provision, recurring to the conditions existing before the Fifteenth amendment was adopted and the continuance of which the Fifteenth amendment prohibited, proposed by, in substance and effect, lifting those conditions over a period of time after the amendment to make them the basis of the right to suffrage conferred in direct and positive disregard of the Fifteenth amendment. And the same result, we are of opinion, is demonstrated by considering whether it is possible to discover any basis of reason for the standard thus fixed other than the purpose above stated.

Right to Vote Proven.

"We say this because we are unable to discover how, unless the prohibitions of the Fifteenth amendment were considered, the slightest reason was afforded for basing the classification upon a period of time prior to the Fifteenth amendment. Certainly it cannot be said that there was any peculiar necromancy in the time named which engendered attributes affecting the qualification to vote which would not exist at another and different period unless the Fifteenth amendment was in view."

The Chief Justice had prefaced this statement by a development of the argument that the restriction imposed by the Fifteenth Amendment on the power of the States over suffrage was coincident with the limits of the power itself. He also set forth the principle that while in the true sense the Fifteenth Amendment gives no "right" of suffrage, "it was long ago recognized that in operation its prohibition might measureably have that effect; that is to say, that as the command of the amendment was self-executing and reached without legislative action the conditions of discrimination against which it was aimed, the result might arise that as a consequence of the striking down of a discriminating clause a right of suffrage would be enjoyed by reason of the generic character of the provision which would remain after the discrimination was stricken out."

This was said by way of answer to the argument of attorneys for the election officials that the Fifteenth Amendment was meaningless because there was no such thing under the American form of Government as a "right" to vote.

Washington Herald

JUN 20 1915

NEGROES LAUD JUSTICE WHITE

Pleased at Decisions in "Grandfather Clause" Case.

Negroes of the District, who for some time past have steadfastly refused to sing "My Country, 'Tis of Thee, Sweet Land of Liberty," because of the race discrimination embodied in the "grandfather clause" in Maryland and Oklahoma, have adopted resolutions announcing that in view of the recent decision of the United States Supreme Court declaring the clause unconstitutional they will in future join in the national anthem.

The resolutions signed by Rev. James L. White, of 1658 Kalorama road northwest, commend the Supreme Court for its decision and praise former President Taft for his selection of Chief Justice White, whose promotion to that place the colored people formerly opposed on the ground that he was a full-blooded Southerner.

NEW YORK WORLD

26 June 1915

"Negro Domination" in Politics.

To the Editor of The World:

To allay the fears of W. F. Turner in regard to negro domination under the recent decision of the United States Supreme Court, I should like to make the following suggestion affecting peaceful political preparedness:

There must be numerous white young men in the South with political ambition. Why don't they get together and form separate organizations, say four or five, and from these organizations make separate appeals to the mass of negro voters in the "black belt," making division and rivalry among them? Whichever political division is successful and "brings home the bacon" can reward its black constituency with some of the minor offices, keeping the executive branches in its own hands.

This will mollify the whites and bring about peace and harmony, not, however, forgetting the pork and hominy that go along with it.

AMERICAN NEGRO.

Long Branch Daily Record

JUL 1915

COMMON-SENSE.

Booker T. Washington, famous negro educator and founder of Tuskegee Institute, expresses a sane view of two great questions.

Of the U. S. Supreme Court "grandfather clause" decision," he says:

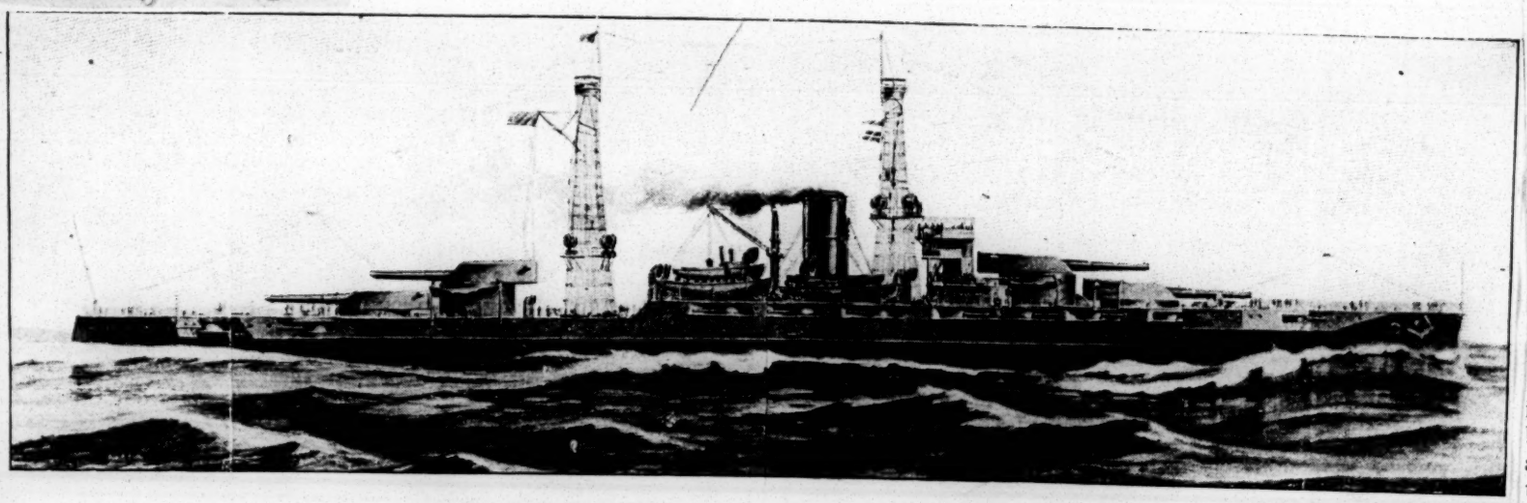
"Politically speaking, I do not think it will make much difference in the South."

Of the prohibition agitation, he remarks:

"We are endeavoring to teach the negro that rum is his worst enemy. When we shall have accomplished this saloons will go out of business, because there will be no demand. It is our only means of solving the rum question in the South."

It's the only means anywhere. Legislation can never take the place of education, and it's a harmful blunder to imagine that it can.

Court Decisions Affecting the Negro - 1915



HOW THE *ARIZONA* WILL LOOK WHEN COMPLETED.

She displaces 31,400 tons, and has a main battery of twelve 14-inch guns. Like the *Pennsylvania*, she will burn oil, and her speed will be about 22 knots. It is estimated that her total cost will be $16,000,000.

END OF THE "GRANDFATHER CLAUSE"

DESPITE THE FACT that the Supreme Court decisions in the Oklahoma and Maryland "grandfather-clause" cases are declared by the New York *Evening Post* (Ind.) to "mean as much forward as the Dred Scott case did backward," and are generally regarded as an epochal victory for the colored citizen, we are reminded by more than one paper that they do not actually give the vote to one negro who does not possess it already. What they do, however, is to strike at discrimination in certain Southern States by taking away the franchise from illiterate whites who have hitherto been exempted from educational or property tests to which all negro voters had to submit. The Fifteenth Amendment of the Constitution of the United States provides that "the right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," and the so-called "grandfather clause" is one of many devices resorted to by Southern States to evade this law. The plan, in a nutshell, is to permit a special exemption from property or literacy tests to descendants of persons who could vote before the Fifteenth Amendment was adopted. The unanimous opinion of the Supreme Court, handed down by Chief Justice White, himself a Southerner and a veteran of the Confederate Army, now declares this device unconstitutional because it "recreated the very conditions which the Fifteenth Amendment was intended to destroy." In full agreement with Chief Justice White were two other Southerners—Justice Lamar and Justice McReynolds.

"Those States which now have this 'grandfather clause' in their constitutions or their laws must either enforce the literacy test against whites as well as negroes, or broaden their voting qualifications," notes the New York *Herald* (Ind.). But the New York *Sun* (Ind.) assures its readers that "the political hue of the South will remain white," and that this decision "will not deliver any State government to the negro race." "It is conceivable," the same paper adds, "that in some communities the exclusion of black men's votes will be less complete in consequence of the decision, but the practical effect will be of no moment." The New York *Times* (Ind. Dem.) recalls how negro rule in a section of North Carolina was overturned by a white mob in a riot in which twelve negroes and three white men were shot. "Order and the white man," it adds, "have reigned in North Carolina ever since."

"This incident, the last of the kind which was of any great importance, is referred to here to show how persistent is the legacy of crime and violence left by the misguided 'states' of reconstruction. The white man will rule his land. The only question left by the Supreme Court's decision is how he will rule it."

Even so old and loyal a champion of the negro as the New York *Evening Post* expresses "sympathy with the South in the efforts it will now have to make to adjust itself to the new conditions," but it holds that "if we are in peril from an ignorant vote, the remedy is not to suppress it, but to be just and fair to it and to educate it," so that "a mighty impulse to the already powerful movement for better common-school education in the South ought to follow the Supreme Court decision."

Turning to the Southern press, we find very little excitement. Thus the Norfolk *Virginian-Pilot* (Dem.) remarks that the Supreme Court could not have arrived at any other conclusion "unless prepared to set aside the Fifteenth Amendment"; while the Richmond *News Leader* (Dem.), after admitting that the decision "may be a temporary embarrassment," adds:

"It will certainly be a permanent benefit in that it shows the line a State may follow in restricting its franchise. The future of the ballot in the South is made plainer."

Says another Richmond paper, *The Times-Dispatch* (Dem.):

"The clause, in the main, was a concession to the illiterate white voter, and to that extent placed a premium on ignorance. It may be that Southern States will have to abolish that premium, by which outcome of the long litigation they should not now be moved to special anguish.

"The old-style 'grandfather clauses' have served their purpose—necessary in their day, but no longer vital to the South's protection. It is just as well they are to pass."

The Baltimore *News* (Ind.) criticizes Oklahoma and Maryland, "States in which there is no serious negro-problem," for "stirring up once more the quarrel over negro suffrage in the South." Summing up in the Oklahoma case, Chief Justice White said, in part:

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A WRONG RIGHTED AT LAST

N.Y. Independent 7-15-15

DURING the Civil War Abraham Lincoln abolished slavery in the United States. The end of the war found the freedmen and all negroes full citizens in their own right, and no longer, under the Constitution, each three-fifths of a citizen, with that three-fifths' right to vote possest by white citizens, who thus voted in their own right and in the right of the negroes also. Had the white citizens after the war accepted its results they might easily have guided the ignorant negroes and there would have been peace. Indeed, in one or two states this was in a measure the case; but generally the white people resented the equal right of the negroes to vote, or even to exercise the common rights of freemen. They passed state laws requiring every negro to have a guardian, and forbade them to go beyond certain local limits. Indeed, they reëstablished the state of slavery under another name. Congress was indignant, and the Fourteenth and Fifteenth Amendments were enacted. But these amendments and consequent legislation by Congress could be and were nullified by force, threatening death to negroes who tried to vote. When after some years such violence became undesirable means were invented to get around the Federal amendments by provisions in state constitutions which should not in words deny the suffrage to negroes, but should just the same exclude most of them from the polls. The shrewdest and meanest of them was adopted by the states which put the "grandfather" clause into their constitutions, requiring that voters must be able to read the constitution, but that illiterate citizens might vote provided that their fathers or grandfathers were voters at or before the end of the Civil War. But only the white men were voters then in those states. That let in all ignorant white people and excluded all ignorant negroes, but said not a word about "race, color or previous condition of servitude."

For years the attempt has been made to test these "grandfather" provisions, and now the Supreme Court of the United States, by a unanimous decision, has declared that these state constitutions violate the Constitution of the United States. The scheme is a plain evasion. Everybody knew it was. In the conventions which created these constitutions it was again and again boldly declared that the purpose was to exclude from suffrage black citizens who, the United States Constitution declared, should not be excluded. It is not constitutional to evade the Constitution.

This is a great victory for justice, and it is pleasant to note that Chief Justice White, who read the decision, is a citizen of Louisiana and was a Confederate soldier. The Independent has denounced these evasions from the first and it rejoices in their condemnation. The excuse for them, that negro domination must be somehow and anyhow prevented out of self defense, was another pretense. There was never any danger of negro domination in the states in which white men were in a full majority, and in the two states in which they were not a majority, superior white intelligence, with kindly consideration, might easily have controlled the situation. It was human nature to be unwilling to give equal civil rights to the despised slave race. It is a slow task to eradicate contempt on the one side, and on the other to create intelligence. This much must be put to the credit of the period so much maligned, that the years when negroes actually had the privilege of voting gave those states the public school.

Columbus, Ohio
DISPATCH
OCT 1 1912

OHIO ONLY STATE WITH EMBARGO ON NEGRO SUFFRAGE

This Despite Fact That Buckeye State Was Foremost in Abolition Movement.

BAN IS NOT IN EFFECT

Nullified by Federal Constitution—Attempted Repeal Last Defeated in 1912.

Athough Ohio did more to abolish slavery than any other state, in proportion to population, its people have always refused to strike from its constitution the provision that all voters must be white. Paradoxical as it may seem, Ohio is the only state in the Union with a constitution withholding suffrage from the colored race. This embargo is not effective because the federal constitution nullifies it.

On every occasion when the negro suffrage question has been submitted in Ohio it has met with defeat. The last time it was voted down was in 1912, when it was defeated by a vote of 242,735 for to 265,693 against. An amendment to eliminate the word "white" from the constitution was submitted to the people in 1867, being defeated by a majority of nearly 40,000. The proposal was again voted down in 1874.

SETTLED FOR YEARS.

Unless the colored people of the state initiate a proposal to change the Ohio constitution so as to provide that they shall have suffrage, it is not likely that such a proposition will come up again for years. If such a course is not followed, the question will hardly be presented to the people before there is another constitutional convention, which may not be for another generation.

Even the general assembly of Ohio slammed the proposal to bestow suffrage upon colored people. This was in 1869, when the fifteenth amendment to the federal constitution was first presented to the legislature. This amendment was again submitted to the legislature in 1870, when it was ratified, but by the slenderest of majorities. In the senate it had but one vote to spare and in the house but two votes to the good.

HAD FEW PRIVILEGES.

The negro had little privilege in Ohio in its early history The "black laws" of 1804 and 1807 denied negro children school privileges. Negroes were also barred from suing whites and from appearing in their own behalf if sued by whites.

If a colored person moved into a county he was compelled to give $500 bond as a guarantee that he would not become a public charge. If he failed to file such a bond, his services were sold to the highest bidder and he remained in such bondage until the bond was furnished.

The "black laws" were repealed about the middle of the century.

Court Decisions Affecting the Negro - 1915

THE RIFT IN THE CLOUDS

On the Negro question in the United States, the rift from which light shines from behind the clouds is Chief Justice White.

His appointment by Taft threw a wet blanket over the aspirations of the American Negro, and Taft was soundly and roundly abused because Justice White was a Southerner and had fought for the success of a Confederacy that was founded on African Slavery and had Negro inferiority as the corner stone of its structure.

But Chief Justice White was not long on the Supreme bench before he rendered a decision setting aside the decree of the Supreme Court of Georgia. This decree denied the Negro's right to use the name or wear the emblems of the Knights of Pythias. Chief Justice White set aside this decree, and the rights of the Negro Pythians of Georgia remain intact.

This was the first decision favorable to the Negro that was ever handed down from the Supreme Court. Chief Justice White followed this line of thought consistently when, a few years later, he declared the "Grandfather Clause" in the Constitution of Oklahoma, too, unconstitutional and null. And now we wait, not with bated breath, for some of these barbarian segregation laws to reach his court for final action.

It was Saul of Tarsus who took the Christians to Damascus to scourge them and on his way saw a great light in the clouds.

It was Abraham Lincoln, born amidst the Negro-hating "poor white trash," who made himself the great man of American history in setting them free.

It was General Joe Wheeler, who fought four years to fasten the fetters perpetually upon the Negro, that afterwards commanded Negroes in the Spanish-American War and pronounced them among the bravest and best disciplined soldiers on earth.

We have this rather contradictory condition in the manner in which the Supreme Court is constituted: Justice White, ex-Confederate of Louisiana, presiding, deciding to prevent the dismantling of Negro Pythianism, and, on the other hand, Associate Justice Holmes, descendant of abolitionists, of Massachusetts, dissenting and agreeing with Georgia that a Negro has no right to be a Pythian; also, afterwards, Associate Justice Holmes presiding and handing down an opinion that the "Jim Crow" cars of Oklahoma are constitutional.

We can see in this swinging around of men a change that will make the first last and the last first, and, like the cloven tongues of fire at Jerusalem, it will bring the happiest results for all mankind.

RACE PROBLEM COMPLICATED.

If the Supreme Court of the United States twoscore years ago had annulled the "grandfather clause" written into various State statutes, the South again would have been up in arms. Great interest, but little excitement, however, was created by the highest court's recent decision annulling as unconstitutional the Oklahoma amendment to the State Constitution and the Annapolis, Md., qualification law. The Oklahoma "grandfather clause" exempts from a literacy qualification for voters all those who were voters prior to 1866, all who were then foreigners and their lineal descendants. While the decision of the court is construed as applying specifically to the two statutes considered, and that each State adaptation of the "grandfather clause" stands upon its own bottom, the broad doctrine enunciated by the Supreme Court puts in jeopardy anti-colored legislation of all Southern States. In the South, however, the view is taken that the restrictive legislation has served its purpose by eliminating the unlettered colored man from politics during the past decade and that, in the meantime, there has been a growing disinclination of the race to vote. There has also been a reduction of white illiteracy. Constitutional authorities point out that there are two means of restricting the colored vote in the South and at the same time remaining within the bounds of the Fifteenth amendment. These are furnished by the Georgia Constitution, which requires first the payment of a poll tax, and secondly, that a voter shall not be registered unless he understands the principles of a republican form of government. Certainly no hardship or injustice would be involved in requiring voters to know something about the Constitution and the institutions of their country.—By Thomas Logan, in Leslie's Weekly.

CLIPPING FROM
Binghamton Press

JUN 23 1915

WILL THE DECREE BE ENFORCED?

The Supreme Court has deposited the "grandfather clause" on the junk heap. This interesting enactment provided, in the Oklahoma Constitution, that any one was entitled to vote who had voting rights in 1866, or who was a lineal descendant of such a person.

Negroes, not having that particular kind of ancestry, naturally were barred. The same result has been effected in many Southern States by similar laws.

But there is still a question unanswered. The Federal Court can abolish the "grandfather clause," but it can't abolish the grandfathers, or the grandsons, either. And the negro citizens may find in Oklahoma, as they have found elsewhere, that getting the right to vote from the Supreme Court in Washington is not exactly the same thing as getting the right from the election board in their own voting district.

COMMENT HERE AND THERE.

It is a laughable predicament in which Southern Democrats in Congress find themselves on the Indiana election fraud cases. It has been charged that several Republicans were elected by fraud at the last election in Indiana, and the Federal Grand Jury in that state is conducting an investigation.

Now it seems that nothing could give the Democrats in Congress greater pleasure than such an investigation, but they are not at all keen for it. The joy killer can be found in the following extract from a Washington despatch:

> "It was pointed out that a United States Senator is a State officer and the Southerners contended that this would be an invasion of State rights which might threaten the so-called grandfather clause and other prohibitions against Negro voters in the South.
>
> "Now comes a Democratic United States District Attorney in Indiana who is undertaking to do the very thing which the Democrats themselves inveighed against so recently. The Democrats fear that this attempt by a Federal District Attorney to investigate State elections will establish a precedent which will rise to plague them in the South."

JUN 22 1915
New Orleans, La.

RULING OF LITTLE EFFECT IN STATE

Few Louisianians Enrolled As Voters Under Grandfather Clause

Judge I. D. Moore, acting upon the suggestion of Mayor Behrman, is looking into the lagal application of the United States Supreme Court decision in the Grandfather clause on the Section 5 enrollment in Louisiana. The decision was rendered in the Oklahoma case, the law of which is similar in all respects to Louisiana, it is said, except as to the date. In Oklahoma the date is 1866, while in Louisiana it is fixed at 1867.

Whatever the effect of the decision on the Louisiana registration it is not likely to be serious in so far as the Orleans registration roll is concerned. The original enrollment of those entitled to avail themselves of Section 5 is now approximately. Originally 5,890, the number of enrollments has been decreased materially by death and disqualification.

Although the original enrollment was nearly 6,000 the New Orleans electors who actually registered under the Section 5 qualification is not over 730, only three of whom are negroes. Registrar Montgomery said Tuesday that the decision, no matter what its application to Louisiana is held to be, will not in any way disturb the registration rolls.

The registration office, will, in according to law, be closed Saturday afternoon.

Chicago Tribune

OCT 9 1915

REASSERTS NEGRO SUFFRAGE

U. S. Court Confronts Oklahoma Election Officials with Punishment for Imposing Bar.

Denver, Colo., Oct. 8.—Election officials who conspired to deprive negroes of the right of suffrage through the enforcement of the "grandfather clause" of the Oklahoma state constitution are liable to conviction and imprisonment, according to a decision of the United States Circuit Court of Appeals announced here today. The grandfather clause was declared unconstitutional by the Supreme court of the United States on June 21, 1915.

FORETOLD GRANDFATHER CLAUSE DECISION

Former Congressman William H. Fleming Informed Georgians Nine Years Ago that Restriction of Negro Franchise Would Be Held Unconstitutional by Courts.

AT THE COMMENCEMENT of the University of Georgia in 1906, former Congressman William H. Fleming, as the alumni orator, delivered an address on the race problem in the South.

One of the points on which he antagonized the popular political sentiment of that day was the so-called "grandfather clause," under which Georgia and other States were attempting to disfranchise the negro, says the Augusta *Chronicle*.

Mr. Fleming took the position that the Supreme Court of the United States would declare that clause unconstitutional, while many other public men in Georgia seemed disposed to criticise Mr. Fleming, and assured the people that the proposed law would stand every test.

How completely Mr. Fleming's legal position has been vindicated after nine years of waiting, is shown by the following extracts from his Athens address and from the recent unanimous decisions of the Supreme Court of the United States delivered by Chief Justice White, himself a Southern man and a Confederate soldier

From Mr. Fleming's address June 19, 1906:

"Whenever the Supreme Court shall take judicial notice, as it will do, of the historical fact that on the date selected for the grandfather clause to begin to operate, say, January 1, 1867, the negroes as a class had no right to vote, or when that undeniable or easily proven fact is made to appear by evidence, this device of the grandfather clause must fall of its own crookedness. A preference to one race is necessarily the legal equivalent of a discrimination against the other race.

"It will be a new departure in American constitutional law when the right to vote is made inheritable from the non-transmissible attributes of an ancestor, instead of being based on the personal attributes of the voter.

"It will mark a still further departure in judicial construction when the Supreme Court finds in the new doctrine a legal justification for sanctioning the race discrimination forbidden by the Fifteenth Amendment. . . .

"How long do the advocates of this method of disfranchisement think they can expose their purpose to the political eye, and keep it concealed from the judicial eye? How long can they proclaim it on the hustings and hush it in the court-house?"

"Nor can escape be found in that line of decisions by the Supreme Court to the effect that the prohibition of the Fifteenth Amendment applies to State action and not to acts of private citizens (quoting 100 U. S., 339).

"This same principle of responsibility will be applied to the registrars under this disfranchisement law. Their acts will be the acts of the State, and will consequently come within the prohibition of the Fifteenth Amendment, and will also be within the jurisdiction of the Federal courts, where alleged violations of the law will be tried."

From Supreme Court decisions, June 21, 1915:

"It is true, it (the Oklahoma grandfather clause) contains no express words of an exclusion from the standard which it establishes of any person on account of race, color, or previous condition of servitude prohibited by the Fifteenth Amendment, but the standard itself inherently brings that result into existence since it is based purely upon a period of time before the enactment of the Fifteenth Amendment and makes that period the controlling and dominant test of the right of suffrage.

"In other words, we seek in vain for any ground which would sustain any other interpretation but that the provision, recurring to the conditions existing before the Fifteenth Amendment was adopted, and continuance of which the Fifteenth Amendment prohibited, proposed, by in substance and effect lifting those conditions over to a period of time after the amendment to make them the basis of right to suffrage conferred in direct and positive disregard of the Fifteenth Amendment.

"And the same result, we are of opinion, is demonstrated by considering whether it is possible to discover any basis of reason for the standard thus fixed other than the purpose above stated."

"The three parties (referring to the plaintiffs in the Maryland cases) thereupon began these separate suits to recover damages against the two registering officers who had refused to register them on the ground that they had been deprived of a right to vote secured by the Fifteenth Amendment, and that there was liability for damages under section 1979, Rev. Stat. . . .

"The cases were then tried by the court without a jury and to the judgments in favor of the plaintiffs which resulted, these three separate writs of error prosecuted. . . .

"Affirmed."

Mr. Fleming's contention was that Georgia could and would maintain her white supremacy, without depriving the negro of his rights under the Federal Constitution, and without requiring election or registration officers to perjure themselves in the administration of the State law.

If that can be done (and who will seriously deny it?), then these recent decisions of the Supreme Court ought to give new hope and courage to all citizens who believe in law and order based on justice and morality.

DISFRANCHISEMENT IN THE SOUTH

The Supreme Court Decision Put an End to Minority Rule.

By Joseph C. Manning.

The decison of the United States Supreme Court on the suffrage cases brought before that tribunal from Oklahoma and Maryland will inevitably result in a politcal upheaval in Southern states, for these disfranchisement laws in the South do not strike alone at the Negro, they also undermine popular government. It s all a part of a system for the political repression of the opposition to the Democratic machine. These acts origanated in the political necessity of a long dominant faction. They were not heard of until the Populist-Republican fusion movement in the South was threatening the overthrow of the old regime. It will be recalled how over forty Democratic Congressmen were unseated in 1896 by contests brought up from the South and that it was shown then how the black belt Negro voting population was used as an asset by the Bourbon machine. This shaking up at that time of the Bourbon South caused the Southern Democratic machines to revert from the open faced fraud and counting out system to the present methods of political control through the subterfuge of disfranchisement. The whole disfranchisement plan was evolved to avoid contests in Congress.

That the XVth amendment establishes United States citizenship as distinctive from State citizenship and that a State cannot by any subterfuge deprive a United State citizen of his ballot rights is a main position taken by the recent Supreme Court decision. This ruling must alter the suffrage condition in the South. Should the states of the South fail to accept the letter and spirit of this decree it will surely follow that public sentiment will cause Congress to enact such laws as meet this situation. Before the disfranchisement acts went into effect in the Southern states the vote for McKinney was as great in a dozen of these states as was polled by the Democracy in these states in 1910. The aggregate vote polled for Wilson electors in a dozen Southern states is no more than a million and a half while there are about 3,500,000 whites and 1,500,000 blacks of voting age in these States. This shows on its face, how far this sweep of the Bourbon's disfranchisement axe has gone and to what extent this political repression has existed, practically unrestrained, until this recent decision.

Alabama, with 250,000 whites and 180,000 blacks of voting age, elects its governor on about 60,000 ballots, while ten congressmen come up on a similar aggregate vote. The absuridity of the condition is too apparent to permit of delay in dealing with this condition. The suffrage could neither read nor write. Situation in Mississippi is even worst than in Alabama, for 30,000 or 40,000 votes dominate that state and elect the delegation to Congress. The entire country is affected by this machine political strategy and wire pulling. The South is now in the saddle because of it, and once for all the Country will insist that this form of political jiggbry shall give way to real republican form of government. Under the guise of seeking to avoid Negro domination the Democratic partison ploctical machines have in fact, bolstered up the government by a minority of whites and the exclusion of the white masses as well as the Colored from the ballot. This the Country is beginning to find to be the truth of the whole matter"

The above tells its own story. The argument is put forth by a Southern white man, who has been in politics for years, and who knows the inside of the political South as few Southern men do.

Mr. Manning is a native of Alabama, and he was Editor of a paper for a number of years in Alexander City, where he was also Post Master. He has been mobbed for his political opinions.

W. H. Fleming Foretold Decision of U.S. Supreme Court

(From The Augusta Chronicle.)

At the commencement of the University of Georgia in 1906, former Congressman William H. Fleming, as the alumni orator, delivered an address on the race problem in the south.

One of the points on which he antagonized the popular political sentiment of that day was the so-called "grandfather clause," under which Georgia and other states were attempting to disfranchise the negro.

Mr. Fleming took the position that the supreme court of the United States would declare that clause unconstitutional, while many other public men in Georgia seemed disposed to criticise Mr. Fleming, and assured the people that the proposed law would stand every test.

How completely Mr. Fleming's legal position has been vindicated after nine years of waiting is shown by a comparison of his Athens address with the recent unanimous decisions of the supreme court of the United States delivered by Chief Justice White, himself a southern man and a confederate soldier.

Mr. Fleming's contention was that Georgia could and would maintain her white supremacy without depriving the negro of his rights under the federal constitution, and without requiring election or registration officers to perjure themselves in the administration of the state law.

If that can be done (and who will seriously deny it?) then these recent decisions of the supreme court ought to give new hope and courage to all citizens who believe in law and order based on justice and morality.

"BLACK LAWS" OF OREGON REPEALED

Portland, Ore., March 17.—The State Legislature recently repealed the "Black Laws" of Oregon.

The main part of the repealing law follows:

"Whereas, Section 5 of Article 1 of the Constitution of the State of Oregon excludes from this State any Negro or mulatto, and section 6 denies the right of suffrage to all Negroes, mulattoes or Chinamen regardless of place of their birth or their citizenship, although both such sections are void and of no effect for the reason that they conflict with the fundamental law" provision for placing on the ballot at the next election a constitutional amendment abrogating the two sections in made.

Court Decisions Affecting the Negro - 1915

New York Sun

23 June 1915

SOUTH DISCOUNTS RULING ON GRANDFATHER CLAUSE

State Leaders Say U. S. Supreme Court's Action Will Have Small Influence on Political Situation— North Carolina to Fight for Its Law.

The decision of the United States Supreme Court holding unconstitutional the grandfather clause in the constitution of Oklahoma may give the voting power to thousands of negroes formerly disfranchised in a number of Southern States. THE SUN through its correspondents, has obtained the views of those best qualified to speak regarding what the result will be and what, if any, efforts will be made to meet the new situation created.

Here are the opinions from various States affected by the law:

TO FIGHT AT RALEIGH.

North Carolina Democrats Believe Their Law Good.

RALEIGH, N. C., June 27.—Democratic leaders at the State capital in advance of the text of Chief Justice White's opinion in the Oklahoma and Maryland cases, which destroyed the suffrage device known as the grandfather clause, declare complete willingness to defend North Carolina's amendment before the Federal Supreme Court. Assuming that the court upset this clause because the amendments perpetuate discriminations against the negro, Democrats who are to undertake the defence of the clause maintain the substantiality of difference between the destroyed amendments and North Carolina's.

North Carolina set her deadline against the colored people January 1, 1867. The North Carolina amendment, passed August 2, 1900, provides as a requisite for suffrage that the elector must be able to read and write any section of the Constitution of the State in the English language. But if such elector could vote anywhere in the United States prior to January 1, 1867, or if he be the lineal descendant of any elector who could vote prior to that date he may register and vote without meeting the literacy test until December 1, 1908.

Under that provision more than 80,000 blacks laid down their right to vote and it is asserted that they gave up their rights so readily and unresistingly that there is no public record of a disfranchised negro offering to register after the North Carolina amendment with its grandfather clause went into effect.

It is admitted here that if North Carolina's amendment is destroyed and the negro again votes the State will go overwhelmingly Republican in 1916.

The Republicans in 1906 strongly urged an extension of the grandfather clause as a further protection to the whites. Attorney-General Bickett led the fight against longer immunity for the whites. E. L. Travis, chairman of the State Tax Commission, is persuaded that the act can be triumphantly defended. He opposed the extension of the grandfather clause. Because of the State's refusal to perpetuate a distinction between the two voting elements he believes the North Carolina amendment is safe.

Republicans assert that they will seek no reopening of the polls to the mass of blacks. From a white party of 40,000 and 80,000 blacks in 1900 the Republicans have grown to 115,000 whites and now have one Representative in Congress. The constitutional amendment gave the new Republican party its life.

BEATEN IN MARYLAND.

Grandfather Clause Never Popular at Polls.

BALTIMORE, June 27.—The decision declaring unconstitutional the grandfather clause will not affect the vote of either party in Maryland, as the law applies only to small municipalities in various parts of the State and not to the State at large. Several attempts were made to disfranchise negroes by incorporating the clause in the Constitution, but the amendments were defeated at the polls.

Annapolis, Ellicott City, Elkton and several other small cities in which the negro vote cut a figure thereupon obtained by legislative enactment laws which made the grandfather clause applicable to municipal elections only, hoping thereby to evade the constitutional objections.

At the first attempt to enforce this law the registrars were threatened with damage suits and in Ellicott City none would consent to serve. In Annapolis the registrars did not hesitate to enforce the law and negroes were turned away.

Republican leaders in the State entered suit in the United States District Court against the registrars. The late Judge Morris decided the act to be in violation of the Fifteenth Amendment and held the registrars liable. An appeal was taken to the Supreme Court.

Pending this appeal no further attempt was made to disfranchise the negroes, and the law has since been a dead letter. At the same time it has had the effect in Frederick and some other cities of frightening a number of the blacks, who were afraid to register.

Other measures were employed to keep the negroes from the polls in certain counties. An act known as the Wilson ballot law, and which contains a literacy test, applies to five counties in the State.

Still another law, the "naturalization act," as it is called, which requires every voter leaving the State for a period to make oath that he intends to return in a certain time, disfranchises many negroes who go outside the State to work. The white man whose work is at home is not often enmeshed in the law.

MISSISSIPPI IS SAFE.

Tax Law Said to Be as Effective as Grandfather Clause.

JACKSON, Miss., June 27.—The decision of the United States Supreme Court in the Oklahoma and Maryland election cases will not affect Mississippi, her Constitution builders having steered clear of all such breakers as the "grandfather clause," basing the right of suffrage on what is known as an "educational qualification," and which years ago stood the assaults of Senator Hoar of Massachusetts and others.

Section 241 of the Constitution of Mississippi reads:

"Every male inhabitant of this State, except idiots, insane persons and Indians not taxed, who is a citizen of the United States, 21 years old and upward, who has resided in the State two years and one year in the election district or in the incorporated city or town in which he offers to vote and who is duly registered as provided in this article and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretences, perjury, forgery, embezzlement or bigamy and who has paid on or before the first day of February of the year in which he shall offer to vote all taxes which may have been legally required of him and which he has had an opportunity of paying according to law for the two preceding years and who shall produce to the officers holding the election satisfactory evidence that he has paid said taxes, is declared to be a qualified elector."

This section cuts out thousands of voters—just such voters as the "grandfather clause" was designed to catch. The ignorant and the vicious element will not pay their taxes for two years prior to the election.

The Supreme Court of the United States in Williams vs. Mississippi held that this section does not violate the Constitution of the United States. In the same case it was held that Mississippi's poll tax of $2 on all male inhabitants is valid.

WEST VA. NOT AFFECTED.

Republicans Have Prevented Grandfather Clause Passage.

WHEELING, W. Va., June 27.—The United States Supreme Court's recent decision on the so-called "grandfather clause" will have no political effect in West Virginia, generally regarded as a Southern State. While there always has been more or less of a sentiment toward the enactment of a similar law in the State, yet ever since the separation from the Old Dominion the Republicans either have been in power or have been strong enough in the State Legislature to prevent the passage of such a measure.

In 1912, when it appeared that the Democrats had bright prospects for carrying the State, an almost successful attempt was made at having the clause written into the platform. At the subsequent legislative session an attempt was made to have a Jim Crow car law enacted, but this too failed by a small majority.

Only about half a dozen counties in the entire State have what are considered large colored votes. Strangely enough, these are among the largest counties as well. Their strength in the Legislature has been sufficient to prevent the passage of the laws mentioned.

Ledger

TACOMA, Wash

JUN 23 1915

A BLOW AT THE "GRANDFATHER CLAUSES."

The beginning of the end of "grandfather clauses" in constitutions and laws of the Southern states is seen in the decision of the supreme court of the United States this week. The decision holds to be invalid the Oklahoma provision restricting the suffrage rights of those who could not vote or whose ancestors could not vote prior to the adoption of the 15th amendment to the federal constitution. The 15th amendment says the right to vote shall not be denied or abridged on account of race, color or previous condition of servitude. The United States supreme court holds that conditions that obtained before the adoption of the 15th amendment could not be brought over to the present day in disregard of the self-executing amendment. In other words, the amendment terminated any disability existing before its adoption in regard to race, color or condition of servitude, and hence a state has no right to base legislation on a condition no longer constitutionally obtaining.

The "grandfather clause" is an indirect way of doing something forbidden. It is unfair and unsound and the supreme court's decision is sound. The press report of the decision does not say that it terminates all "grandfather clauses." It says the court "went a long way toward invalidating much of the so-called 'grandfather clause' legislation in Southern states." The probability is that the decision will inspire similar litigation in other states, and that in one commonwealth after another the laws to disfranchise negroes by the "grandfather clause" process will be overthrown.

The Oklahoma constitution provided a literacy test for voters, but contained also the "grandfather clause" test, designed to disfranchise negroes who could comply with the literacy test. A literacy test is constitutional if it applies to all alike.

Presumably the Southern states will resort more to the literacy test, for the percentage of illiteracy is higher among negroes than whites. The increase of school facilities is reducing illiteracy among negroes and it will only be a matter of a few years until the negro vote will be very large.

The supreme court of the United States also held unconstitutional the voters' law of Annapolis, Md., on the same ground as the Oklahoma constitutional provision was overthrown. In the Maryland case the principle is laid down that the 15th amendment to the federal constitution applies to municipal as well as to congressional elections. It appears that in Maryland there are local laws governing the right to vote.

That state authority is not supreme in elections was decided a few weeks ago by the federal district court of Indiana, which convicted several Terre Haute men for conspiracy to corrupt an election at which a member of congress was chosen. These convictions, unless they should be overthrown by the supreme court of the United States, mean that the federal government can step in and punish corruption at the polls.

No doubt the public men of the South who do not believe in negro suffrage are worried over the condition resulting from recent court decisions.

New York Tribune

3 June 1915

SUITS PLANNED TO TEST NEGRO VOTE BARRIER

Gerrymandering in South Shaken by Decision on "Grandfather Clause."

DEMOCRATS MAY LOSE LOUISIANA

Mountain Districts in North Carolina Expected to Go Republican.

[From The Tribune Bureau.]

Washington. June 22.—Reports from all over the South indicate that laws in nearly every one of the states which restrict negroes from voting will be tested in the Supreme Court as a result of yesterday's decision invalidating the "grandfather clause" of Maryland and Oklahoma laws.

If the Supreme Court takes the position that if the intent of the law is to disfranchise the negroes it is unconstitutional the elaborate gerrymandering in several Southern states with the idea of sending solid Democratic delegations to Congress will fall to the ground. In view of the peculiar gerrymandering in North Carolina, for instance, where the work in this respect is the admiration of partisans from other states, it is likely that certain carefully balanced districts will be turned Republican by a few negro votes.

Congressional districts in North Carolina are laid out on the plan of having each big Democratic district, down in the cotton belt, where negroes are, to a large extent, not permitted to vote on one pretext or another, take in a little strip of the hill country which is Republican. A strip of mountain country, with 1,000 normal Republican majority, for instance, is tacked on to a cotton belt section with about 1,500 Democratic majority.

Leaders Not Apprehensive.

Democratic leaders here declare they do not believe the voting of even a great majority of the negroes would turn the electoral votes of any of the states over to the Republicans, except perhaps in Louisiana, where the sugar issue is apt to hurt the Democrats, but they are afraid that a very large number of Democrats will lose their seats in the House of Representatives.

A well known Georgia politician said to-night he did not believe the effect of the court's decision would reach his state or Alabama, because Georgia depends more on other means than the "grandfather clause" to keep negroes from voting. Property and educational qualifications strike down a great many, but Democrats have a potent weapon in a "general reputation" provision. Almost any white man has no trouble in establishing the fact that he bears a good reputation, which lets him vote, property or no property, education or no education, this politician said. But when the negro comes up to register he finds it almost impossible to convince the election officials that he bears a good reputation, and he must comply with rigid educational qualifications or show that he owns considerable property on which he pays taxes. The same thing applies to Alabama.

Ends Representation Controversy.

The Georgian admitted that this general reputation provision of the franchise law might also be construed by the high court as being aimed at the negro, and for that reason in conflict with the Fifteenth Amendment. He had heard already that test cases would be brought to determine this.

The effect of the court's decision will soon be apparent in Oklahoma and Maryland. In Maryland the disfranchisement under this clause had been attempted only on a small scale. The voters have twice defeated an effort to put through a real "grandfather clause," which would have prevented the negroes from voting. The clause knocked out yesterday by the court applied only to state and municipal elections. In Oklahoma, however, it is expected the decision may result in the election of several Republican Representatives.

The decision is also expected to end the old controversy of reducing the South's representation in Congress, for if the decision has its natural effect in allowing negroes to vote there will be no reason for reducing the representation.

Washington Post

JUN 24 1915

COLORED VOTE LOOMS

Politicians Measure Its Size With Restriction Removed.

EFFECTIVE IN SOME STATES

Calculators Feel South Will Find an Expedient for "Grandfather Clause," Eliminated by Supreme Court—Doubt All States Will Get Adjusted Before Next Presidential Election.

Leaders of both parties were endeavoring yesterday to figure out what effect politically the decision of the Supreme Court holding the "grandfather clause" in the election laws of Maryland and Oklahoma to be invalid will have on the election returns. It is not believed that that decision will inure either to the great advantage of the Republicans or to the harm of the Democrats in Southern States.

Democratic statesmen, wise in their day and generation, realized that the grandfather clause was a makeshift and would not stand the test of constitutionality if it ever reached the Supreme Court. John Sharp Williams, of Mississippi, when the clause was inserted, predicted that it would not last long and, characterizing it as an expedient, declared that some substitute would have to be found.

In the South, where legislation of this sort was said to be needed to prevent the illiterate colored voters, possessing a new and untried franchise, from controlling political affairs, conditions then existing have largely passed away. Illiteracy among the poorer whites has largely disappeared and among the colored voters there has been a marked increase in literacy, so that, after all, there would seem to be the same reason why the vote of the colored man in the South, from the viewpoint of the Southerner, should still be restricted.

Georgia Found a Way Out.

That some means, within the Constitution, will be found in States where it is the purpose to restrict the colored vote, is generally granted. Already Democrats are pointing to the provisions of the Georgia law which it is contended work admirably in accomplishing the object sought. Under the Georgia constitution before a man can vote he must pay a poll tax, and he cannot even register if he is not able to convince the judges of election that he understands the principles of a republican form of government. Experience, it is said, shows that the negro does not relish the idea of paying a poll tax. As to the decision whether the applicant for registration understands the principles of a republican form of government, resting upon the judgment of complaisant judges, it is easily seen that where the color line was drawn there would be no remedy against possible discrimination.

In States where the decision overthrows existing law prompt action will be required to remedy conditions before the next presidential campaign. The increase of colored votes in States bordering North and South may have an important bearing in that election. A large Republican vote, cast chiefly by negroes in such States as Maryland, Virginia, West Virginia, Kentucky, Tennessee, Oklahoma, Mississippi and Louisiana, doubtless will be let loose in the next election, and in none of these States has the Democratic majority been so large as to permit of a marked increase in the Republican vote.

New Factor in Elections.

It is generally admitted that, given the right to an unrestricted vote, the negroes in these States would support the Republican ticket. This new vote also might be a big factor in the election of members to the next House of Representatives.

Politicians yesterday admitted the possibility, in the event the Republicans controlled the Sixty-fifth Congress, of the enactment of a more drastic Federal election law for application particularly in the Southern States. In this connection, too, the oft-proposed plan of basing representation upon the actual vote cast and not upon population may be urged as a proper piece of legislation. The decision does not materially affect any of the Northern States where the colored man is allowed to vote if he has the same qualifications required of every other voter.

It is supposed that the Southern States will at once undertake a literacy test that will apply to all voters. Tennessee has proved that a complicated ballot is all that is necessary to bar undesirable persons. By placing a time limit of three minutes on the occupancy of a voting booth a fairly active mind is necessary to mark a ballot correctly and prevent it from being thrown out. This system, now in operation, is lauded by the citizens of that State as eminently satisfactory.

Republicans Scent Calamity.

The practical men among the Republican leaders are disposed to take the view that the decision, instead of being an advantage, is likely to prove a body blow to the Republicans. They are candidly afraid that it will wipe out the last vestige of a white Republican party in the South by driving the white Republicans into the Democratic party. They are apprehensive that the broad general effect of the decision will be to solidify all, or practically all, of the white men into one party—a party which will carry high the banner of "white supremacy" and subordinate all other issues upon which political parties ordinarily divide. This, they fear, will mean that in many localities, if not generally through the South, the white Republicans will sooner or later be swallowed up by the Democratic party.

Considered from every angle, the wise Republican heads believe that the decision upsets every effort to build up a virile Republican party in certain sections of the South.

In Louisiana, for instance, the national Republican leaders had high hopes of getting a foothold on account of the universal dissatisfaction with the free-sugar clause of the Democratic tariff law which pervades that State. But Louisiana also has a grandfather's clause, with all of the latest patented frills, for making the negro keep a respectful distance from the polls.

A tariff on sugar, important as it is to Louisiana, is not so important, according to the universal opinion, as Caucasian supremacy, and it is now expected that white dissenters from the Democratic free-sugar policy will forget their tariff troubles and band together closer than ever in devising ways and means to hold the negro in check.

Representative Frank P. Woods, of Iowa, chairman of the Republican congressional committee, was not discussing with satisfaction yesterday the boost that some persons profess to think the Supreme's Court's decision will give the Republicans in their efforts to elect members of Congress next year. As yet he fails to see where the boost comes in.

reinvest with suffrage a large number of negro voters in many of the Southern border states where restrictive laws now held to be invalid have been in operation to exclude the negroes from the polls. In Oklahoma, West Virginia, Maryland, Virginia and Kentucky the gain to the Republicans probably will be material.

The effect will be felt in the next Congressional contest unless the Southern States pass other laws before the election in 1916 that will exclude the negroes. The decision of the court, read by Chief Justice White, upheld the literacy test as a perfectly proper one when made applicable to whites and blacks alike. Republicans claim that with the negroes voting in Oklahoma, Maryland, Kentucky and West Virginia the Republican representation from those states is certain to be increased.

The possibility of a revival of the Federal elections supervision bill, by which Federal authority may be invoked in state elections involving the choice of Senators under the popular election and of Representatives was talked in political circles in Washington. It was recalled that the last bill of this kind, the Lodge force bill, failed for want of a cloture rule.

Republican leaders say that if the next Congress should be Republican the chances for passing the Federal supervision law would be made certain by the cloture rule, which the Democratic managers seem certain to impose upon the Senate at the next session of Congress.

Senator Owen, chairman of a subcommittee which has the matter in hand, is ready to report a plan for cloture at the beginning of the next session, and Leader Kern of the Democratic side, while in Washington recently, predicted that it would become a rule of the Senate. Republicans are not to oppose the cloture rule when passed, holding that it will be servicable to them later, if they come into power, to pass a Federal election law to protect the negro voters in the South from disfranchisement.

Republican leaders will hold a meeting as soon as Congress meets to take up the whole subject and formulate action.

A phase of the affair is the appeal of Mayor Donn M. Roberts and his political co-conspirators in the Terre Haute election fraud cases from the verdict and sentence to imprisonment at Leavenworth, where they are now serving for election frauds practiced at an election where votes for Senator and Representatives were cast. The convictions were obtained under the Federal law by a Democratic United States attorney, acting under instructions from an Administration, that is Democratic in Washington.

It was explained by Republican leaders that if Federal laws may be invoked to punish conspirators against the elective franchise at elections called to choose Senators and Representatives, as well as State and local officers, a way has been found at last by the Democrats themselves by which a Republican Administration may punish those white leaders in the South who prevent the negro from enjoying the franchise.

All this, however, is contingent on the affirmative by the Supreme Court of the conviction of the men at Terre Haute who practiced fraud against the ballot.

G. O. P. TO REGAIN LOST NEGRO VOTE

Leaders Say Defeat of "Grandfather Clause" Is Big Benefit

FIVE STATES AFFECTED

Republican Representation From Some of the States May Be Increased.

Republican leaders in Washington claim a distinct advantage from the decision handed down by the Supreme court in the "grandfather clause" cases from Oklahoma and Maryland.

The effect, it was said, would be to

Court Decisions Affecting the Negro—1915

Negroes Win Right to Vote

The United States supreme court has annulled the Oklahoma constitutional amendment and the Annapolis, Maryland, voter's qualification law restricting the suffrage rights of those who could not vote, or whose ancestors could not vote, prior to the ratification of the fifteenth amendment to the federal constitution—the negroes. Chief Justice White, a native of the south and a former Confederate soldier, announced the court's decision, which was unanimous. The decision, it is believed, went a long way toward invalidating much of the so-called "grandfather clause" legislation in southern states, which abridges the right of negroes to vote. The immediate effect of the decision was to uphold the conviction of two Oklahoma election officials who had denied negroes a right to vote in a congressional election, and to award to three Maryland negroes damages from election officials in Annapolis who refused to register them. The federal supreme court also annulled a contract by which the Delaware, Lackawanna and Western Railroad Company sold in 1909 the annual output of 7,000,000 tons from its anthracite coal mines to the Delaware, Lackawanna and Western Coal Company, which the railroad had just organized. The railroad was enjoined from transporting coal under the provisions of the contract. The decision preserved to the government a right to proceed in a new suit against the railroad to test the road's right to purchase coal for sale. The government officials believe the decision gives them a foothold in their fight against the so-called "hard coal trust."

St. Louis, Mo. Argus

A REPUBLIC AT LAST

The republic is to be congratulated upon having at last a Constitution that is alive in all its parts. For 45 years, first by violence and then by legislation, we have endured the reproach that one article of the fundamental law was blank paper whenever it pleased a local sovereignty to ignore it. Today, by the unanimous decree of a court presided over by a great Chief Justice who was once a Confederate soldier, we have a Constitution that for the first time since the Civil War guarantees equal rights to all, irrespective of race or color.

Thousands of white men have as much reason to applaud this judgment as any negro. Every outcast in a republic, for color or religion or race alone, gives oligarchy, bigotry and aristocracy an excuse for banishing others on any ground that prejudice may name.—New York World.

Philadelphia Inquirer

22 June 1915

TAKES DOWN BARS FROM NEGRO VOTE

"Grandfather Clause" of Election Laws of Oklahoma and Maryland Hard Hit

Supreme Court Upholds Fifteenth Amendment and Also Says Election Officers Must Enforce It

WASHINGTON, D. C., June 21.—In probably one of the most important race decisions in its history, the Supreme Court today annulled as unconstitutional the Oklahoma constitutional amendment and the Annapolis, Md., voters' qualification law restricting the suffrage rights of those who could not vote or whose ancestors could not vote prior to the ratification of the fifteenth amendment to the Federal Constitution.

Chief Justice White, a native of the South, and a former Confederate soldier, announced the court's decision which was unanimous.

By holding that conditions that existed before the Fifteenth Amendment—which provides that the right to vote shall not be denied or abridged on account of race, color, or previous condition of servitude—could not be brought over to the present day in disregard of this self-executing amendment, it is generally believed that the court went a long way toward invalidating much of the so-called "grandfather clause" legislation of southern States.

Sustains Fifteenth Amendment

The immediate effect of the court's decision was to uphold the conviction of two Oklahoma election officials who denied negroes the right to vote in a congressional election, and to award three Maryland negroes damages from election officials in Annapolis who refused to register them.

The court held that these election officials could not ignore the protency of the Fifteenth Amendment in wiping out of State constitutions the word "white" as a qualification for voting. In the Maryland case the court's decision established the point that the Fifteenth Amendment applies alike to municipal as well as to Federal election.

Discussing the Oklahoma cases, Chief Justice White said the suffrage amendment of the State Constitution first fixed a literacy standard, and then followed it with a provision creating a standard based upon the condition existing on January 1, 1866, prior to the adoption of the Fifteenth Amendment, and eliminated those coming under that standard from the inclusion in the literacy test.

Contravented the Amendment

The court had difficulty, he said, in finding words to more clearly demonstrate its conviction that this action of the state re-created and perpetuated the very conditions which the Fifteenth Amendment was intended to destroy than the language used in the amendment. The Chief Justice continued:

"It is true that it contains no express words of an exclusion from the standard which it establishes of any person on account of race, color, or previous condition of servitude prohibited by the Fifteenth Amendment, but the standard itself inherently brings that result into existence since it is based purely on a period of time before the enactment of the Fifteenth Amendment and makes that period the controlling and dominant test of the right of suffrage.

"In other words, we seek in vain for any ground which would sustain any other interpretation but that the provision, recurring to the conditions existing before the Fifteenth Amendment was adopted and the continuance of which the Fifteenth Amendment prohibited, proposed by, in substance and effect, lifting those conditions over a period of time after the amendment to make them the basis of the right to suffrage conferred in direct and positive disregard of the Fifteenth Amendment.

"And the same result, we are of opinion, is demonstrated by considering whether it is possible to discover any basis of reason for the standard thus fixed other than the purpose above stated.

Time Not a Standard

"We say this because we are unable to discover how, unless the prohibitions of the Fifteenth Amendment were considered, the slightest reason was afforded for basing the classification upon a period of time prior to the Fifteenth Amendment. Certainly it cannot be said that there was any peculiar necromancy in the time named which engendered attributes affecting the qualification to vote which would not exist at another and different period unless the Fifteenth Amendment was in view."

The Chief Justice had prefaced this statement by a development of the argument that the restriction imposed by the Fifteenth Amendment on the power of the States over suffrage was coincident with the limits of the power itself. He also set forth the principle that while in the true sense the Fifteenth Amendment gives no "right" of suffrage, "it was long ago recognized that in operation its prohibition might measureably have that effect; that is to say that as the command of the amendment was self-executing and reached without legislative action the conditions of discrimination against which it was aimed, the result might arise that as a consequence of the striking down of a discriminating clause a right of suffrage would be enjoyed by reason of the generic character of the provision which would remain after the discrimination was stricken out."

This was said by way of answer to the argument of attorneys for the election officials that the Fifteenth Amendment was meaningless because there was no such thing under the American form of government as a "right" to vote.

The Next Point Of Attack

In commenting on the decision of the United States Supreme Court pronouncing the "grandfather clause" unconstitutional the Norfolk Virginian Pilot offers the states effected this consolation:

"The states affected will have to take up afresh the task of reforming their electorates but the way has already been blazed for them by the methods pursued in Mississippi and Virginia, which have practically accomplished the purposes for which designed and which the Supreme Court has held not to be repugnant to the inhibitions of the Federal Constitution."

The way that Virginia has "blazed" consists of a state primary law which the Virginian-Pilot itself knows will not stand a test as to its validity. In his decision Chief Justice White stated that no state had a right to employ any subterfuge to defeat the end osf the fourteenth and fifteentn amandmendments, and it becomes a question whether a state can enact a primary law, which, as a part of its election machinery, permits a political party to say that a citizen cannot participate in it on account of his color. In Virginia the primary law as constituted disfranchises citizens who can meet every test which the Virginian Pilot claims the Supreme Court "has held not to be repugnant to the inhibitions of the federal constitution." The party primary in Virginia was never designed to do away with the convention form of nominating candidates for office, but for the purpose of forestalling what might result in the general election. If it was not so why the queer ruling that a Negro cannot participate in a Democratic primary? We don't believe that this subterfuge can stand a legal test, and it is imperative that it be brought to a test because in view of the coalition of white members of political parties in Virginia, it disfranchises colored

voters in a wholesale manner without regard to their fitness or qualifications.

The Democrats will doubtless claim that they do not prevent qualified Negroes from voting in the general election. But they do by holding a primary election that makes a general election unnecessary except for the purpose of ratifying the result of the primary.

Toledo, Ohio
Blade

JUN 24 1915

SEEK NEW CURB ON NEGRO VOTES

South May Attempt to Replace the "Grandfather Clause" Held Void.

POLITICIANS SEE GREAT GAIN FOR REPUBLICANS

Declare Whites in South Will Be Outvoted Under the Decision.

Washington, June 24.—Political leaders here are beginning to take stock as a result of the supreme court's two decisions Monday knocking out the "grandfather clauses" in the Oklahoma and Maryland election laws.

New legislation, both by the states and congress, is one of the things predicted by those familiar with the attempt of the southern states to prevent the negroes from voting.

Unless the states are able to find some new means of curtailing the negro vote between now and 1916, heavy Republican gains are predicted for Maryland, Virginia, West Virginia, Kentucky, Tennessee, Oklahoma, Mississippi, and Louisiana.

May Use Literacy Test.

Southern states, still intent on restricting the negro voters, are expected to turn to the literacy test. The objection to the literacy test is that it would deprive a great many white citizens of the southern states of the ballot.

Conservative leaders say that the decisions Monday will affect only Maryland and Oklahoma, and cannot be applied to other states. With the calendar of the court already loaded with cases for settlement during the fall term, these leaders say it will be impossible to get the election laws of the solid south up for review before the presidential contest next year.

May Effect Legislation.

It was pointed out today that the decisions may have a direct bearing on legislation at the approaching session of congress. During the closing days of the last session, the Democrats spurred on by the White House lash, attempted to obtain the adoption of a cloture rule in the senate. The Republicans opposed it in order to prevent the passage of the ship purchase bill and other legislation they regarded as inimical to the country's interest.

When cloture was up before, the Democrats opposed it because they believed the Republicans would use it to break down their election laws. Now that those laws are in danger, it is believed by some persons that no further attempt will be made in behalf of the cloture rule, and that the Democratic leaders will take their chances on legislation in preference to opening a way for the tearing down of the southern bars on negro suffrage.

Paterson, N. J.
Chronicle

JUN 27 1915

WILL PROBABLY GET AROUND IT

It is not likely that the Southern States which have the "Grandfather's Clause" in their election laws will abandon their efforts to disfranchise the great majority of colored men in those states because of the decision of the Supreme Court of the United States that such restrictions of the suffrage as those laws impose are unconstitutional and void. Some of those states had already in fact abandoned efforts in that particular line, no doubt because of a conviction that if the issue ever came squarely under judicial interpretation it would be decided just as it has been.

These states fell back entirely on a literacy test. This was, indeed, a companion restriction to the Grandfather's Clause in the laws which had not been abandoned. The literacy test standing alone was found to work satisfactorily for its purpose. It was based upon a construction of the xvth amendment to the constitution which provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state, on account of race, color or previous condition of servitude."

There is nothing in this provision to prevent a state from prescribing a test for voting based on certain literary qualifications. The decision of the court is to that effect. But it also holds that such qualifications cannot be circumscribed by race or color conditions. Hence if a state wants to establish a test of this kind it must be applied to illiterate whites as well as to the same class of blacks, of which the latter race is in the majority in the South. And these literacy tests attempted no such discrimination.

But in practice no white man—provided he was a Democrat—was disfranchised by that test. The laws of that kind required that in order to be registered as a voter the applicant must be able to read and explain any section of the State Constitution to the satisfaction of the registration officers. As care is taken that the election boards are always composed of whites, it is clear that, as politics go, there was hardly a chance that a white man would be disqualified—provided, as above—while the chances were a hundred to one that a negro would not successfully pass the ordeal. This plan worked so successfully that a great majority of Southern negroes had ceased to apply for registration knowing the futility of so doing. This, of course, added to the facility of enforcing the laws.

It may be taken for granted that the whites of the South—at least in those states where the colored race is in the majority—will never submit, if they can in any way avoid it, to a system of election where a negro has the same chance to vote as a white man. Although it was the intent of the xvth amendment to establish this equality before the law, that intent is almost certain to be nullified by a literacy test which can be juggled just as the political bosses of the South desire it to be.

In all probability the white people of the states which have the literacy test uncomplicated by the Grandfather's Clause are rather pleased than otherwise at a decision that validates the former. It having been judicially affirmed to be permissible they may be depended upon to do the rest.

It has been stated that the Republican leaders of the country are confident that this decision will be of great advantage to that party. Next fall's election may indicate whether this expectation is going to be realized, or is a delusive hope.

Leavenworth, Kans.
Times

JUN 27 1915

DEMOCRATIC PREJUDICE.

The Hutchinson Gazette, leading Democratic paper of Kansas, is much disturbed over the decision of the United States Supreme Court, declaring unconstitutional the "grandfather laws" of certain states. The Gazette's editorial is something of a curiosity in these northern states and is worth quoting entire. Every colored voter ought to read it and ponder over it. Here it is:

Old Grandfather Clause is dead.

To the people of Kansas perhaps there does not attach a great deal of significance to the action of the Supreme Court in declaring the Oklahoma election law unconstitutional, but to the people of the negro dominated districts of that state the decision can mean nothing less than a most serious blow at the rights of the white race.

That the act was conceived with a view to political advantage, there can be little doubt. But that the principle of the law was in a great measure just, must also be admitted by those who are familiar with conditions as they exist in those sections for which the law was especially drafted.

In certain sections of the state of Oklahoma the colored population far exceeds the white population. In other sections the race form the balance of power. A great majority of the older generation are ignorant beyond hope of redemption. They can neither read nor write, to say nothing of being possessed of any knowledge of questions of state. They vote according to the dictates of the political boss. The decision of the Supreme Court lets down the bars to this class of voters. It virtually disfranchises the white voters of the negro infested sections of the state. It places the whip in the hands of the political boss and throws the results of future elections open to the power of money. It was an act which the people of our neighboring state must resent with all the bitterness possible to a race who have come to look upon themselves as slightly superior to their colored neighbor, but who, now through a combination of circumstances and the courts, will be compelled to submit to the dictates of the inferior race.

The thing that sticks out clear and strong in this editorial is prejudice against the Negro. 'Some districts in Oklahoma have a majority of Negroes and in some Negroes hold the balance of power,' therefore there should be some way of preventing them from getting control.

And why, pray, if they are in the majority, or if they hold the balance of power, should they not wield their power?

"Oh, they are illiterate. Many of them hopelessly so, and cannot vote intelligently," say these Negrophobists.

Well, the same may be said for many of the white settlers of Oklahoma. They are hopelessly ignorant and never vote intelligently. If the laws contemplated depriving the ignorant of the right to vote no objection could be found by the supreme court. Such laws would apply to whites and blacks alike. But these "grandfather laws" were devised only to shut out the ignorant Negroes and in practice they have shut out many who were more intelligent than many of the white election officers.

The decision of the supreme court is one that is commended by every enlightened citizen who believes in free government and the right of men to govern themselves. It holds those in authority to a strict observance of the fundamental law of the nation and in this is the only safety for white or black.

But it is queer how blindly Democratic politicians and Democratic editors stick to their prejudice against the Negro. And it is queerer that some Negroes will vote to place such people in office.

NEW YORK CALL

JUN 22 1915

U. S. Supreme Court Hits Anti-Negro Law

WASHINGTON, June 21. — An opinion by Chief Justice White, concurred in unanimously by other Supreme justices, today sustained the Fifteenth Constitutional Amendment, prohibiting discrimination against Negroes.

The court held void laws of two States, Oklahoma and Maryland, basing Negroes' franchise qualifications upon the right of their ancestors to vote before the Fifteenth Amendment was passed. They were held unconstitutional.

The court held that States may prescribe a uniform literacy test, but that such qualification shall not be used as a subterfuge to prevent Negroes from voting.

Court Decisions Affecting the Negro - 1915

KANSAS CITY, MO
JOURNAL
JUL 2 1915

"NEGRO DOMINATION."

A correspondent calls attention to the fact that the Oklahoma census of 1915 shows that there are twelve white men of voting age in that state for each negro. These figures effectually disprove the contention of those who denounce the overthrow of the "grandfather clause" law and predict that "negro domination" will result if the negroes are given the rights guaranteed to them by the constitution.

This is one of the "bugaboos" always conjured up when the political interests of the Democratic party appear to be threatened by the protection of negroes in their suffrage rights. To hear the frantic race prejudice appeals issued by the advocates of the "grandfather clause," one would imagine that "The Clansman" was about to be enacted in real life, with all of its malodorous and offensive political accompaniments, with negro governors, congressmen, senators, legislatures and county and municipal officers. The one negro is going to outvote the twelve white men, according to these fear-struck demagogues, and Oklahoma is to become the South Carolina of the "Rev." Thomas Dixon, Jr.

There is not a white man in the country, in any state, nor a sensible negro, who would for a moment contend that such a situation, even if brought about by the legitimate and legal exercise of the rights of negroes, would make for the best interests of any state. There have been negro congressmen and senators and high officials in times past and there is no record that they did not perform their duties as ably as their white colleagues. But any wholesale "domination" of negroes is not only not to be thought of in the light of race antagonism and of facts which not even laws and supreme courts can alter, but is absolutely impossible, and therefore the "bogy" may be laid without argument, and more important issues discussed.

As distasteful as the reflection may be to Oklahoma Democracy, it is safe to declare that the only possible political effect of the "grandfather clause" decision of the supreme court, if not again nullified, will be to put an end to the era of political scandals, graft and general turmoil which has lasted ever since the Democrats took possession of the state. There is no reason whatever for believing that the negroes themselves would not vote as intelligently as the white majority has done, or would not elect white men who would give the state a vastly better administration of its affairs than it has yet enjoyed. Oklahoma has prospered in spite of the incubus of a Democratic majority, which has fastened upon the new commonwealth an iniquitous constitution and an almost unbroken succession of political quarrels, scandals, graft prosecutions and removals.

The people of the state have been rebelling against these conditions from year to year and at the last election, with many thousands of legal negro voters disfranchised, the Republicans came within 5,000 votes of electing John Field, one of the ablest men in the whole state and a man whose election would have been the best day's work the people of Oklahoma could have done in a decade.

But the issues involved in the "grandfather clause" rest upon the very foundations of the constitution of the republic, which declares that judges and clerks of election shall not look at the color of a man who offers his ballot, nor scrutinize his race nor take into account his previous condition of servitude. The constitution does not say anything about what party shall be affected by the vote of legal citizens of the United States, black, white or any other color. The constitution was not framed, nor will it be construed, to further the interests of any political party. It lays upon the judges and clerks of election, upon every official charged with the administration of the election laws of the several states, the sole duty of ascertaining whether the man who presents his ballot is a legal voter, his legality to be determined by state laws and other regulations which must square with and measure up to the rights guaranteed by the organic law of the land, and the decisions of the supreme court.

With these conditions observed, the people of Oklahoma may rest in peace, undisturbed by the silly bugaboo that twelve white men are to be "dominated" by one citizen of the negro race. If the numerical proportion were reversed, the organic law would remain the same until changed, but that speculation is too fantastic and too demagogic for intelligent people to contemplate.

Boston, Mass. Transcript

JUN 22 1915

KILLING "THE GRANDFATHER CLAUSE"

The Supreme Court of the United States rules that 1866 cannot be brought again by constitutional amendment or statute, and that if it could be its restoration is undesirable. Briefly the court decides that "the grandfather clause" put into State constitutions or State laws to disfranchise illiterate negroes without disfranchising illiterate whites is unconstitutional, null and void.

The cases which have drawn forth this epochal decision were those presented by the action of Oklahoma and Maryland. The issue, the same in both cases, was presented by an amendment of the constitution of Oklahoma and by a law of Maryland. Oklahoma, in setting up a literary test for its voters, coupled with it a hereditary right to vote to be enjoyed by white people only. That is, it exempted from the educational test all those who were voters on Jan. 1, 1866, and their lineal descendants. This was class legislation and was meant to be. Its political aim was to make Oklahoma solidly Democratic. The Maryland law was to the same effect and for the same purpose. Neither Oklahoma nor Maryland is or has been in the slightest danger of "negro ascendancy." "White supremacy" was and is assured in both States by the overwhelming preponderance of whites in their populations.

As the Fifteenth Amendment was proposed in 1869 and ratified in 1870, "the grandfather clause" was devised for evading it and for nullifying the Constitution of the United States by reviving the qualifications for suffrage which prevailed before its ratification. The ghost of "Calhounism" sitting on the grave of rebellion dictated the composition and enactment of "the grandfather clause." It has not been put into the organic law of Republican States; it has been adopted only in States which under unrestricted free suffrage might go Republican. It has made the South "solid," with the solidity of subjugation. The political purposes behind the clause give epochal emphasis to this decision unanimously rendered by a Supreme Court presided over by a Southerner and ex-Confederate. The court is national in its composition, all sections being represented in its membership, and its conception of the rights of citizens is national. Dealing after its manner, only with the cases before it, the tenor of its finding is applicable nevertheless to "grandfather" clauses everywhere. It throws down all class suffrage, all "inherited" rights to suffrage. The court is peculiarly fitted by its personnel to take a broad view of a broad evil. It is made up of men who are first and foremost legists. They were selected by a President who sought legists. Mr. Taft while President appointed the majority of the present supreme bench, and its independence of political and sectional influence is the highest possible tribute to the wisdom that dictated his selections. We have a Supreme Court in which both parties are represented and neither party controls. For this we may thank the judicial temperament and judicial courage of President Taft.

We suppose the decision will be received in the South with an outburst of partisan indignation. We shall hear much about the barriers of order being swept away and civilization being endangered, all because the "grandfather clause" has been overthrown. If any of the terrible things predicted happen, the South will be to blame. The decision does not stand in the way of a literacy test honestly applied to both races and honestly enforced. If the South puts in operation compulsory school laws it will have educated electorates with which the Supreme Court will not interfere. It is up to the South to accept the teachings of the decision, and the quicker it leaves off every attempt to adjust itself politically to the conditions of 1866, the quicker it abandons the effort to turn time backward, the better it will be for the South and for the nation. The South has blinded itself to its own interests. Let it tear the disfranchisement bandage from its eyes and accustom them to the sunlight of human progress.

ST. PAUL PIONEER PRESS
OCT 9 1915

DENIED NEGRO VOTE; FACE PRISON TERMS

Oklahoma Officials Who Enforced "Grandfather Clause" Hit by Ruling.

ELIGIBLES WERE BARRED

Conviction of Officers Sentenced to Federal Penitentiary Upheld in Decision Announced at Denver.

Denver, Colo., Oct. 8.—Election officials who conspired to deprive negroes of the right of suffrage through the enforcement of the "grandfather clause" of the Oklahoma state constitution are liable to conviction and imprisonment, accordling to a decision of the United States court of appeals, announced here today.

Clause Held Unconstitutional.

The "grandfather clause" was declared unconstitutional by the Supreme Court of the United States on June 21, 1915.

The appeal court's decision was handed down in the case of Frank Guinn and J. J. Beal, election officials in Kingfisher county, Oklahoma, in the election of November 8, 1910.

Convicted Men Appealed.

The defendants were convicted in the United States district court for the western district of Oklahoma and sentenced to the Federal penitentiary. It was in their case that the question as to the constitutionality of the "grandfather clause" was certified to the supreme court by the Oklahoma Federal court. The convicted men took their case to the United States circuit court of appeals, which affirmed the conviction.

Finds Evidence of Plot.

Besides the unconstitutionality of the "grandfather clause" the court finds other evidence of conspiracy. The decision cites evidence offered at the trial to show that several negroes eligible to vote under the "grandfather clause" were barred from voting.

New York Herald
June 1915

No Effect on Negro Vote in Mississippi Looked For.

[SPECIAL DESPATCH TO THE HERALD.]

JACKSON, Miss., Tuesday.—The decision of the United States Supreme Court on the grandfather clause of the Oklahoma constitution will have no effect on negro suffrage in Mississippi. In that State a literacy test is applied and that clause of the State constitution framed by the late Senator J. Z. George has stood the test of review before the United States Supreme Court.

Guardian

JUN 22 1915

Paterson, N. J.

GRANDFATHER CLAUSES.

The "grandfather clause," by which Southern states have disfranchised hundreds of thousands of negroes, while permitting any white man to vote, received its death blow from the Supreme Court of the United States yesterday.

The decision of the court that the "grandfather clause" is unconstitutional was unanimous, and is virtually the first ruling of the highest court on this point. The court has side stepped this issue several times, but yesterday the question was answered so flatly in the negative that it is doubtful whether any further laws aimed at disfranchising the negroes will include the "grandfather clause."

The whole idea of the "grandfather clause," which has been enacted in almost every Southern state, was to permit a man to vote if his ancestors were able to vote prior to 1860, or prior to the adoption of the Fifteenth Amendment. Usually the clause was accompanied by a rigid educational qualification, so that a few negroes could meet it and be allowed to vote, thus giving a semblance of fairness to the law, under which it could be said negroes were really voting.

The court held that a state might prescribe a uniform literacy test for voters, but it should not be used as a subterfuge to prevent negroes from voting. It was taken from this that various other methods of disfranchising the negroes without directly stating the intention of the law will also be thrown out if they are taken to the Supreme Court.

NEW YORK WORLD

26 June 1915

Southern Jurists and the Negro.

To the Editor of The World:

As a colored American, or more succinctly an American negro, I wish to thank you for your admirable editorial in to-day's World, "A Republic at Last." I took especial pride in the paragraph beginning "The Republic is to be congratulated upon having at last a Constitution that is alive in all its parts;" also to the fact of Chief Justice White's Southern origin.

Singular as it may seem from a Northern standpoint, it has been the Southern jurists who seemed to get or give the best judgments on these national points—viz., Harlan, Judge Roger A. Pryor, who, in a Common Pleas reference to the status of naturalized citizens, said it was weak until the passage of the Fourteenth Amendment; likewise, a newspaper report that at the time of State enactment of this "grandfather clause" ex-Attorney General Speed said that it would eventually be declared unconstitutional.

Thanks again for your magnificent editorial, which I shall preserve.

ISAAC B. JOHNSON.

New York, June 22.

NEGRO BALLOT IN OKLAHOMA IS UPHELD BY COURT'S EDICT

Grandfather Clause Held Unconstitutional by Appeals Judges.

DECREE MAY BE FINAL

S. Supreme Court Passed On Two Important Features of the Case.

In an opinion handed down today, the United States circuit court of appeals held that the "grandfather" section of the Oklahoma state constitution disfranchising negroes is unconstitutional, in violation of the fifteenth amendment of the United States constitution. The decision of the Oklahoma federal court was upheld.

The opinion can well be considered as coming directly from the supreme court of the United States, for the decision of the court of appeals was not given out until the highest court in the land had been asked for a ruling on the two important features of the case by the judges of the court of appeals.

The law requires that every voter shall be able to read and write at least one section of the Oklahoma state constitution, unless his ancestors were entitled to vote before the emancipation proclamation. This fact led to the term "grandfather" clause being applied to the section of the Oklahoma constitution.

The case was appealed from Kingfisher county and was an appeal from the federal court by Frank Guinn and J. J. Beal, members of the elections commission of Kingfisher county, who refused to allow eight negroes to vote, in spite of the fact that some of them were college graduates and one the principal of a school.

St. Louis, Mo. Times

JUN 22 1915

Grandfather Clause Void.

From the Globe-Democrat.

The Supreme Court of the United States, in holding the Oklahoma "grandfather clause" constitutional amendment and the Annapolis (Md.) statute of similar character invalid, seems to have rendered a decision which will sweep away the subterfuges for evading the provisions of the suffrage amendment of the Federal Constitution used by several Southern States. The court for the first time meets the essential issue. The Oklahoma Constitution pretended to establish a literary test for suffrage. But it exempted from its provisions all persons who were voters in any form of government prior to Jan. 1, 1866, or descendants of such voters. States may fix many requirements for suffrage, such as residence, mental condition, education, and ownership of property. They may deny the vote to various classes of the population. But the Supreme Court seems finally to have held that they cannot deny it to men solely on account of their race, color or previous condition of servitude, through the fixing of arbitrary dates intended to affect only ex-slaves and their descendants.

Brooklyn Eagle

JUN 22 1915

NEGROPHOBIA'S DEATH KNELL.

To get the full meaning of the Supreme Court decision, wiping out the "Grandfathers' Clause" in Oklahoma and revolutionizing the election laws of five other States, the Northern man who is unfamiliar with the problem of the negro vote as one of vital importance, must bear in mind these facts:

Chief Justice Edward Douglas White is a native of Lafourche Parish, La. He is a former Confederate soldier, though he was barely 20 years old when the Civil War ended. He is a lifelong Democrat, appointed Chief Justice by a Republican President. His own State has now no "Grandfathers' Clause." Property ownership of an amount not less than $300, or a high grade of literacy are the alternatives which Louisiana has found sufficient for keeping down the negro vote. Each is sustained by a series of Federal decisions as within the power of the State under the Fifteenth Amendment. But he did have a "Grandfathers' Clause" made inoperative by its terms, after 1898. Virginia, South Carolina, North Carolina, Alabama and Maryland have had such a clause. And one or two of the Northern States, notably New Hampshire and Delaware, have clauses that almost deserve the same classification.

The Chief Justice holds that to permit a special exemption from property or literacy tests to descendants of persons who could vote before the Fifteenth Amendment was adopted is to perpetuate the very injustice which the amendment is supposed to remove. The decision is by a unanimous vote, and the "Grandfathers' Clause" is dead forever.

The gross evils of negro control of States in the Reconstruction Period led to the Ku-Klux movement, succeeded by White Cap and Rifle Club organizations. These meant in effect terrorizing negroes so that they would not go to the polls. The remedy—it was an effective one—had effects gravely bearing on the future of government. The best men in the South found that if violence had to be used, the sort of men who would take part in it must get rewards of their activity in office and in power, and that they were not the class from whom thoughtful legislation or temperate, statesmanlike administrations could be expected. The first successor of violence was the enactment of laws barring petty criminals from the polls, compelling prepayment of poll taxes for a series of years, fixing property and literacy tests and, as in Mississippi, giving the election officers the right to say whether a man's "understanding" of a constitutional clause read to him was intelligent. In some sections, fraud was held to be justified. When the Lodge Federal Elections bill was pending, Powell Clayton showed in Washington a ballot box device by which a negro's vote regularly deposited, was dumped into a waste-paper basket by a twist of the inspector's wrist. The "Grandfathers' Clause" was the highest form of ingenuity. It avoided the need of chicanery or force. It kept out the bulk of the negro vote. It disfranchised almost no white men. And the voters admitted were of a class accustomed by training to self-government, and by heredity to independent thinking.

This decision of the Supreme Court should be a cause of congratulation to Americans who feel that Reconstruction bitterness is fast passing away. The opinion by a former Confederate soldier must mean that negrophobia has had its death knell rung. The future of the colored man is in his own hands. The best men in the South want to give him justice, and they have ceased to fear him as a perilous element in the electorate of the States where his suppression was once regarded as a paramount duty of citizenship.

Rochester, N.Y. Democrat & Chronicle

JUN 24 1915

CIVIC LEAGUE CELEBRATION

Jublee over Court Decision to Be Held in Scottsville.

The Colored Civic League of Rochester and vicinity will hold a celebration of the decision of the United States Supreme Court, declaring that the "grandfather clause" in the constitutions of Oklahoma and Maryland were unconstitutional, at Eggleston Grove, Garbutt and Scottsville, on August 5th.

At 4 P. M. at Garbutt, Rev. W. A. Byrd will read sections of the decision and speeches will be made by Rev. James H. McMullen and J. E. Rose. Mrs. Horace G. Pierce will speak on "Woman's Enfranchisement." A baseball game will be played by the Douglas Giants and Genoatka Club. At 9 P. M., at Windom Hall, Scottsville, a concert will be given.

A number of automobiles will start from Spring and Favor streets, Rochester, at 10 A. M. One will be occupied by ten young women in white, with a crown of victory, representing the states affected by the court decision. Special trains will be run on the B., R. & P. and Pennsylvania railroads during the day.

Court Decisions Affecting the Negro – 1915

SUPREME COURT AND THE GRANDFATHER LAW.

The action of the United States Supreme Court on Monday, June 21, in handing down a unanimous decision declaring the Oklahoma and Maryland "grandfather laws," disfranchising Negro voters, unconstiutional, have called forth strong expressions of approval from the leading newspapers of the country. The opinion of the editors is that the decision strikes a death blow to discriminatory laws which favor one class of the citizenry as against another. The followng are some of the editorial expressions already published:

A REPUBLIC AT LAST.

(N. Y. World, June 22.)

The Fifteenth Amendment to the Constitution of the United States was reaffirmed yesterday by the unanimous judgment of the Supreme Court. It provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any other State on account of race, color or previous condition of servitude."

This fundamental law of the Republic has been nullified in various Southern States for many years, and in the political branch of Government there has not been of late either the courage or the sense of justice in any political party to challenge the offenders. To defeat the purposes of the law we have had what are called "grandfather clauses," by the terms of which illiterates are excluded from the ballot-box unless they were qualified voters, say, in 1866, or are the descendants of voters who then were qualified.

As has been pointed out on many occasions, this was an illiterary test that was intended to apply only to Negroes, and in practice it was made so onerous that even the members of that race who were well qualified soon found that they were not permitted to register or to vote. The grandfather clause in its essence was nullification of a national law by State law. By its terms half a dozen Southern States deny the ballot of tens of thousands of American citizens on pretense of illiterary but actually on the ground of color.

Yesterday's judgment relates to conditions in Maryland and Oklahoma, but is covers every law, constitutional or statutory, in every State south of Mason and Dixon's line in which manhood suffrage has been denied and the color line drawn. It is more than a mere assertion of right. It holds to responsibility under the law all who deny the right. The authors and administrators of the gradfather trickery may now be proceeded against like any other offenders.

The Republic is to be congratulated upon having at last a Constitution that is alive in all its parts. For forty-five years, first by violence and then by legislation, we have endured the reproach that one article of the fundamental law was blank paper wherever it pleased a local sovereignty to ignore it. Today, by the unanimous decree of a court presided over by a great Chief Justice who was once a Confederate soldier, we have a Constitution that for the first time since the Civil War guarantees equal rights to all, irrespective of race or color.

Thousands of white men have as much reason to applaud this judgment as any Negro. Every outcast in a Republic, for color or religion or race alone, gives oligarchy, bigotry and aristocracy an excuse for banishing others on any ground that prejudice may name.

THE VISION RENEWED.

(N. Y. World, June 23).

Since it has taken almost half a century to get a fair and square judgment from the Supreme Court of the United States sustaining the Fifteenth Amendment, it is hardly to be expected that there will be an immediate change in voting conditions at the South. The value of the decree annulling the "grandfather" device for the restriction of the ballot is to be found in the fact that it once more proclaims the equality of all men before the law.

Long years of terrorism, supplemented by long years of discriminating laws, have deprived the Negro in many places not only of the opportunity but of the desire to vote. A generation of black men has come upon the scene unacquainted with the ballot and trained from birth to regard the duties and privileges of citizenship as pertaining chiefly to white men. Unless a decaded change in public opinon takes place in several Southern States, there will be no increase in the colored vote even now.

Yet the judgment loses nothing in importance by reason of these considerations. It re-establishes an ideal. It places limitations upon flagrant injustice. It is a proclamation from the highest judicial authority that if black men are to be denied the ballot because they are poor or ignorant, white men similarly situated must suffer the same disqualification. The States will find no difficulty in disfranchising illiterates. They cannot by evasion and trickery on these grounds exclude blacks alone.

We expect to see this judgment honestly observed presently in all places. There was a time when conscientious Southern men revolted against the criminal practices by which elections in the period after Reconstruction were carried. Schooled in Civil War and race hatred, they had done things that they could not commend to their sons. So now the Supreme Court having spoken, thousands of true Americans will be called back to political standards which they know are correct and which ultimately must prevail.

How the problem is to be worked out is a question that may properly be left to the enlightened and patriotic inhabitants of the South. The court has set before them anew the old vision of the Declaration. In that aspiration, never fully realized by all men of any race, lies the one hope of a true Republic. It should be an incentive to white men as well as to black men.

The highest privileges of citizenship belong by right to those who are worthy of them. If restrictions there must be, they can apply hereafter only to those who are indifferent and shameless, regardless of race or color. No grandfather can save them. No favoring law can supply their shortcomings. No prejudice can elevate them above men better equipped for self-government.

THE END OF THE "GRANDFATHER CLAUSE."

(N. Y. Tribune, June 22.)

That clumsy instrument for the illegal disfranchisement of voters, the "grandfather clause" of various Southern state constitutions, succeeded for many years in dodging the critical attention of the United States Supreme Court. No case was presented there which fairly challenged the principle of the odious discriminations by which various states sought to impose on one class of citizens a suffrage test which it was not courageous enough to impose on all other classes.

Emboldened by the success of the earlier experiments at making a test based on race and color do what could only properly be done by a test of universal application like literacy or the possession of property, the people of Oklahoma adopted a permanent "ancestral" discrimination on which a clear and sweeping issue of constitutionality could be raised, and was at once raised. They invited, even compelled, the unanimous adverse judgment just handed down by the Supreme Court.

Oklahoma pretended to impose a literacy test on voters, but made that test fraudulent on its face by exempting from it persons who on January 1, 1866, or at any time prior thereto, were entitled to vote under any form of government or were residing in some foreign country, as well as all their lineal descendants. The restriction as to those entitled to vote on January 1, 1866, was obviously aimed at the freedmen in this country who up to that time had not acquired the suffrage and whose citizenship was just about to be established by the ratification of the Fourteenth Amendment to the Federal Constitution.

When Maryland—a state which, like Oklahoma, has only a small percentage of Negro voters—first experimented with the "grandfather clause" the scope of the restriction was either intentionally or accidentally widened as so to include alien immigrants who did not have the vote in their own countries prior to January, 1866, and all their descendants. In this form the discrimination was not based solely on race, color or previous condition of servitude. It established a disfranchised white body of citizens as well as a disfranchised Negro body. But the alien whites made so vigorous an outcry against ostracism that the constitutional amendment was overwhelmingly defeated at the polls.

Oklahoma foolishly emphasized and aggravated the issue with the Federal Constitution, and the Supreme Court has now justly held that the Oklahoma literary test is not an honest test, but merely a subterfuge for the purpose of annulling the guarantees of the Fourteenth Amendment.

Everybody knows that that has been the real purpose of all "grandfather clause" legislation. The complaint in the Southern states has been that the average colored voter, because illiterate, shiftless and easily corrupted, has failed to demonstrate the wisdom of giving him the vote. A state cannot be censured for restricting suffrage if the public welfare urgently demands such a restriction.

But the fault with the restriction undertaken in most of the Southern states has been that it tried to make fitness depend on race and color and not on character and intelligence. A literacy test is constitutional, as the Supreme Court says. But it ought to be a real test, applied with uniformity to all undesirables, whether white or black.

If the Southern states feel that they need to restrict their suffrage materially they can easily accomplish that end without defying the Fourteenth Amendment. The Oklahoma literacy test would be vastly much more efficacious than it has been is no exemptions at all were permitted. For the good of the community illiterate aliens and illiterate native whites ought to be asked to make the same sacrifice that is demanded of the Negro voters. Then no complaint of inequality could arise and the sense of racial discrimination and injustice would be greatly lessened.

Nothing is more absurd in a democratic community than a right to vote depending upon the accident of ancestry. As Voltaire said, a good citizen needs no ancestors. In an American constitution a "grandfather clause" will never be anything but a piece of demagoge hypocrisy.

NO "SUBTERFUGE" FRANCHISE.

(N. Y. Evening Post, June 22).

Monday's decision of the Supreme Court, in the case of the Oklahoma franchise law, ends a long series of attempts in various States to nullify the Fifteenth Amendment to the Constitution of the United States. That Amendment, as the Court clearly pointed out, was intended and supposed to be "self-executing" throughout the entire country. Yet laws have been passed cunningly devised to circumvent it. **Several of these statutes have, in one way or another, been brought before the Supreme Court; but until now the judges have avoided meeting the** main issue. The Oklahoma case, however, raised it in a form requiring a decision squarely on the merits. It was docketed on January 15, 1913. The opinion of the Court was thought to be foreshadowed last December, when it passed upon the "Jim Crow" law of Oklahoma. Plain indication was then given that the judges believed the States to have gone perilously near to contravening the Constitution. To the argument of one lawyer in that case, Judge Hughes replied from the bench: "That would make Constitutional rights depend upon the number of persons discriminated against, whereas the essence of Constitutional right is that it is personal." The hopes encouraged by this utterance, and by the attitude of the Court at that time, have now been realized. By a unanimous decision the Supreme Court has made null and void all election laws in Oklahoma and other states which seek to do by indirection what the Constitution forbids them to do directly.

Next to the unanimity of the Court, the most gratifying circumstance of its decision is that it was read by Chief Justice White, himself a Southerner, and formerly a Confederate soldier. With him fully agreed two other Southern judges, Justice Lamar and Justice McReynolds. These men could not fail to feel keenly the political difficulties of the South which had led to the adoption of laws designed to exclude the mass of the Negroes from the franchise. Yet personal or regional sympathies could not be allowed to sway those set for the expounding of the law of the land. White, Lamar and McReynolds were judges first, and Southerners afterwards. It was theirs simply to act "as becometh a judge."

In his opinion the Chief Justice cut away with shary strokes the many false pretences with which these discriminating suffrage laws have been surrounded. It was maintained that there was no express discrimination against any class of voters. The "standard" set up by the Fifteenth Amendment was not openly disavowed. Yes, declared Judge White, but the laws containing the "grandfather" clauses "inherently" break down that standard, since they are "based purely on a period of time before the enactment of the Fifteenth Amendment," and would "revitalize" conditions which, when they prevailed in the past, had been destroyed by the self-operative force of the Amendment." With something like irony, the Chief Justice denied that there could be "any peculiar necromancy" affecting the qualifications of voters at the special period singled out by suffrage laws. The Court did not in the least deny to the States the right to make their own election laws and fix the requirements of the franchise. They could enact a literacy test for voters, if they chose. Only, they must render it absolutely impartial, applying to whites as well as blacks. The thing which they were forbidden to do by the Constitution was to make of either literacy or property qualifications a "subterfuge" to deprive any class of citizens of the right to vote. Moreover, the Court did not confine itself to an abstract decision. It upheld the criminal conviction of election officials in Oklahoma for denying the vote to Negroes; and also approved the award of money damages to Negroes refused admission to the registration booths in Annapolis, Maryland. The whole constitutes a rounded decision of the utmost Constitutional and political importance. It means as much forward as the Dred Scott case did backward.

Two feeling will well up in the hearts of thoughtful Americans as they reflect upon the full significance of this momentous decision of the Supreme Court. One is of gratitude and pride that we have a Constitution and a judicial system under which the rights of the poorest and humblest are secure. "The very least as feeling her care," said Hooker, in his famous apostrophe to Law. It is the law which has now come to the rescue of hundreds of thousands of lowly strugglers who could scarcely articulate their sense of being wronged. And it is law which is at the same time shown to be massive common-sense as well as justice. Everybody has always known that these discriminating suffrage statutes were shams and tricks. They pretended to do one thing while compassing another. But now it is the technicality-loving judges who have brushed aside the technicalities, gone straight to the heart of the case, and declared bluntly that no such thing as a "subterfuge"

franchise can exist in this republic. All the talk for years past of doing something to enhance the popular esteem for the courts seems weak and pale compared with what the Supreme Court has done to exalt itself as a tribunal of high and exact justice, by this one splendid stroke.

For the rest—and this is the other feeling we mean—there will be full sympathy with the South in the efforts it will now have to make to adjust itself to the new conditions. Legislatures will need to act, in order to square their statutes with the Supreme Court decision, but more important is it that public opinion should move intelligently. We have all got to face the facts. North as South we now know what we have to reckon with. If we are in peril from an ignorant vote, the remedy is not to suppress it, but to be just and fair to it and to educate it. A mighty impulse to the already powerful movement for better common-school education in the South ought to follow the Supreme Court decision. In that effort, and in all others to "educate our masters," in Robert Lowe's phrase, and to bring about a better feeling, based on political justice, between the races, the South may count upon the heartiest aid and applause of the North.

THE GRANDFATHER CLAUSE.

N. Y. Times, June 23).

"The Fourteenth and Fifteenth Amendments to the Constitution," says that vigorous political essayist whose pen name is Savoyard, "were the harvest of revenge. Enlightened statesmanship had nothing to do with them. Hell and Utopia—Stevens and Summer—brought them forth." Perhaps the Summer utopianism had more to do with it than the Stevens vengeance; but the Fifteenth Amendment, at any rate, was a blunder in statesmanship and left terrible consequences. It attempted to thwart by legislation a determination which has never been thwarted in the history of the human race by legislation or any other thing whatever—the determination of the white man to rule the land wherein he lives.

The bloodshed and misery which resulted from it in the first twenty years are little known to this generation, because for many years that determination has had full sway in all that part of the country where Negro domination has been possible. The enforcement of that determination by terrorism was succeeded by more peaceful methods. One of them was the Grandfather Clause, which has at last been declared unconstitutional by the Supreme Court. The issue was squarely presented and no other decision was possible; the clause had no reason for being unless it was for the purpose of nullifying the Fifteenth Amendment, and the court is not there to nullify the Constitution.

The determination of the white man to rule the land wherein he lives is not affected by the decision. Wherever that determination has been challenged the result has been the same. The last proof of importance was in 1898, when large parts of North Carolina were governed by Negroes, wholly or in part. The result was in miniature that which had followed the Fifteenth Amendment all over the South years before. Resolutions adopted at a mass meeting in Goldsboro thus stated that result:

Bad government has followed, homes have been invaded, and the sanctity of woman endangered. Business has been paralyzed and property rendered less valuable. The majesty of the law has been disregarded and lawlessness encouraged. In many localities men no longer rely upon the officers of the law for protection, for they are known to be incompetent or corrupt. Conditions have become so intolerable in these communities that they can be no longer tolerated or endured.

And a mass meeting in Wilmington declared its belief that the Federal Government would not "subject us permanently to a fate to which no Anglo-Saxon has ever been forced to submit."

Business in many of the Negro-ruled sections was at a standstill, and Negro rowdies, relying on the favor of Negro Magistrates and Negro police, went to great lengths. Attempts to arrrest Negro criminals were resisted by Negro mobs. "Every house in the city is an arsenal," reported a Northern correspondent.

The white men went to the polls armed, and the result was the overthrow of Negro government for all time in North Carolina. Next day the office of a Negro paper which had published an article resented as an insult to Southern womanhood was burned to the ground by 600 armed white men, and the writer of the article was ordered to leave the city, which he did. Twelve Negroes and three white men were shot; the Negro officials resigned their offices under compulsion, and those who had been most prominent were drummed out of town. Order and the white man have reigned in North Carolina ever since.

This incident, the last of the kind which was of any great importance is referred to here to show how persistent is the legacy of crime and violence left by the misguided "statesmen" of reconstruction. The white man will rule his land. The only question left by the Supreme Court's decision is how he will rule it. Probably in most States he will do as he has done already in a number—exclude illiterates without regard to color from the polls. There are alternates. One is to repeal the Fifteenth Amendment, a thing almost impossible. The other is to wait until things become as intolerable as they did in North Carolina. The remedy then invokes itself, with consequences dreadful to contemplate. The evil that theorists may do lives after them; their best intentions may become a curse to the country.

THE SECOND EMANCIPATION.

(Washington, D. C., Times, June 22)

The Fifteenth Amendment is no longer a dead letter. It is now verily a part of the Constitution. The United States Supreme Court has ceased to temporize with it. The purposes for which the civil war was fought have at this late day been all fulfilled. Such is the meaning of the decision handed down yesterday, which declares void the Oklahoma "grandfather clause," patterned after the clauses in the constitutions of many Southern States which have as their object the disfranchisement of the Negro.

These clauses imposed conditions upon registration impossible for many Negroes to meet, but which were so framed as to except white persons of equal literacy, and at the same time to evade the appearance of discriminating between the races.

There have been several efforts to overthrow the discriminating clauses but without exception until the Oklahoma case was brought before it, the Supreme Court managed, by ingenious reasoning, to dismiss the actions. In one case the court held that no Federal right had been decided adversely to the plaintiff; in another, that the plaintiff sought registration under a registration scheme that was alleged to be a fraud upon the Constitution of the United States; or that the plaintiff was applying for a writ of prohibition to prevent the canvass of votes cast at an election, whereas the canvass had already been made and the certificates of election issued. In this manner every appeal was made a moot case until the court consented to examine the Oklahoma clause.

There undoubtedly will be attempts, at the first opportunity, to have the Supreme Court pass upon the laws that disfranchise them. Actions must be started in every State if relief is to be obtained. It is probable that the court will go below the surface of things in such suits hereafter, and not dismiss them, as it did the case of Williams vs. Mississippi with the statement "They [the discriminating laws] do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them." The decision yesterday indicates that the court no more will play with the subject as it did in Giles vs. Harris, a case from Alabama, in which it said that "Equity cannot undertake * * * to enforce political rights," and that "The bill imports that the great mass of the white population intends to keep the blacks from voting. * * * Unless we are prepared to supervise the voting in that State by officers of the court it seems to us that all that the plaintiff could get from equity would be an empty form. Apart from damages to the individual, relief from a great political wrong, if done, as alleged, by the people of a State and the State itself, must be given by them or by the legislative and political department of the United States."

The decision of the court yesterday does not mean that the vote is given to the disfranchised Negroes. That is beyond the power of the Federal Government to bestow, being an express right of the States. But it does mean that an end has come to discrimination in violation of the Constitution. The court has repeatedly held that the Fifteenth Amendment "does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen over another, on account of race, color, or previous condition of servitude. It follows that the amendment has invested the citizens of the United States with a new constitutional right, which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude." "The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States."

DOWNFALL OF THE "GRANDFATHER CLAUSE."

(Baltimore News, June 22).

It remained for Oklahoma and Maryland, States in which there is no serious Negro problem, to stir up once more the quarrel over Negro suffrage in the South. Again and again, when it has been attempted in Maryland to disfranchise the Negro, the News has pointed out the danger our action might precipitate upon the South, where there seemed to be little disposition to challenge disfranchising amendments. When the Straus amendment was under consideration here The News said:

> One of the strong objections raised against disfranchising amendments in this State comes from the true friends of the South, who realize the unnecessary danger which the action of the Democratic party in Maryland has brought upon the States where the elimination of the Negro as a voter is a vital matter. There is no desire in any quarter to upset the conditions there. It is a situation which is looked upon as established. But the spirit of the times, the American instinct for fair play, the dislike of fraudulent pretense will demand that the amendment, if adopted here, shall be tried upon its merits. If it falls and Maryland alone were concerned, no particular harm would be done; but the effect upon the situation in the South would be, in all probability, truly disastrous.

And yet Marland and Oklahoma, States with their comparatively small Negro population, could not let well enough alone. The politicians in their desire to make a one-sided vote still more one-sided would not be content. They had to run their heads against a brick wall.

While the decision is now robbed in part of its effect in the South, owing to the fact that all of these States with the exception of Oklahoma and Maryland, we believe, had placed a time limit on "grandfather clauses," at the expiration of which illiteracy tests were made to apply to whites and blacks alike—against which there is no inhibition in the Constitution—nevertheless, the South undertakes to discriminate in other ways. It shuts the illiterate Negro out, and permits the illiterate white to vote by many tricks in the administration of election laws. Now that the Supreme Court has finally decided that the Fifteenth Amendment prohibits discrimination, it will be surprising if there is not precipitated another struggle in the South that will make for bad blood between the two races.

There was never doubt in the minds of laymen that if the English language had and meaning at all the Fifteenth Amendment intended to prevent such distinctions as was set up against the Negro by the "grandfather clause." We now have this opinion from the mouth of the Chief Justice of the Supreme Court, himself a Southerner and a former Confederate soldier. The Court is unanimous. It sweeps aside the whole pettifogging business.

In doing so the Court has performed a real public service. It is a matter of grave concern when courts undertake, for whatever reason, to get around the plain intent of a law. Nothing is more calculated to lower respect for both the courts and the law. The people adopt Constitutional amendments. They are assumed to have intelligence enough to know what proposed amendments mean. It is a blow at the very foundation of government when legal sophistry finds a way to nullify organic law thus framed, putting doubt in the minds of the electorate as to the sanctity of any law, however clear its provisions and however manifest its purpose.

On the practical side of the case, as it affects this state, there is something more to be said. It was impossible to view the possibility of the elimination of the Negro vote in Maryland and the destruction of the minority party without most serious apprehension. We have never been able to adopt the view of those who argued that with the Negro vote throttled the white vote of the State would divide on real State issues, that partisanship would be forgotten and voters would at once take on that spirit of independence that is the highest mark ofcitizenship. We could foresee nothing but a one-party State and an invitation to the partisan excesses that that condition invariably invites and fortifies. The Negro vote is no menace to Maryland. It grows less potent with years and, relatively, its importance is slowly but surely decreasing. With his rights now buttressed by the judgment of the highest tribunal in the land, the best advice to be given the Negro is that he break away from party bondage and show that he can now make himself worthy the full liberty of citizenship that the Fifteenth Amendment gave him all too soon.

THE NATION'S COMPLEXION WILL NOT BE TANNED.

(N. Y. Sun, June 23).

The decision of the Supreme Court erasing from the Constitutions of Maryland and Oklahoma the grandfather clauses designed to restrict to white citizens the privilege of voting will not deliver any State government to the Negro race. It may render necessary revision of the present practices in some States, and compel the adoption of new means for the preservation of existing conditions. But the Caucasian will continue to rule. It is conceivable that in some communities the exclusion of black men's votes may be less complete in consequence of the decision, but the practical effect will be of no moment.

There is no sentiment of substantial importance North or South for a radical change in the political status of the Negro in the Southern States. For years the House of Representatives through its committees on contested elections has uniformly refused to overturn the results of ballotings in which the protestants based their claims on the refusal to allow Negroes to vote. In these refusals there has been no partisanship. The supremacy of the white race has been as much the care of Republicans as of Democrats, of Northerners as of Southerners. If it cannot be achieved in one way, it will be in another, for nowhere is there a serious desire to

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Portsmouth N H
Chronicle
June 30/15

A Blow for Justice.

Believers in equal rights under the law regardless of race, color or previous condition of servitude will be gratified by the action of the United States supreme court with reference to what has been known as "grandfather clause" legislation in the southern states. This is legislation that was passed to rob the negroes of their rights as citizens, something which is guaranteed by the 15th amendment to the constitution, but the guaranty has been circumvented by state legislation establishing tests for voters, legislation which the states have a right to pass so long as the constitutional rights of citizens are not encroached upon.

The "grandfather clause," so called, which has been written into the constitutions or statutes of many southern states in recent years, bars from the ballot box thousands of men whose ancestors were not voters prior to 1866 or thereabouts. This blow was aimed at the negroes and since it was struck a great many of them have not been able to exercise the right of franchise.

But some time ago election officials in Oklahoma were convicted of denying negroes the right to vote, and in Maryland money damages were awarded to negroes who had been turned away from the registration booths. Both of these cases reached the United States supreme court, which upholds the decisions, and it begins to look as if the 15th amendment to the constitution would have to be respected from this time on.

It is no credit to the North that this point has been so long in being reached. The prejudices of the southern people it is easy to understand if not to condone, and the fact that the ballot has been so long denied to many of the colored people through legislation boldly designed to rob them of their rights under the constitution forms a discreditable chapter in American history.

It is proper that the qualifications of voters should be defined, but the restrictions should apply to all alike. The "grandfather clause" was deliberately aimed at the blacks, and the imposition has been tolerated too long. Apparently the end of this injustice is in sight, and for this every right thinking man will be thankful. To bar a man from the ballot box because of his color is the height of injustice, and it is high time that the injustice should end.

NEW ORLEANS, PICAYUNE

JAN 21 1916

"THE GRANDFATHER CLAUSE."

Several suits have just been brought in our District Courts to strike from the registration and from the "permanent roll" provided for by Section 5 of Article 197 of the State Constitution and generally known as the "grandfather clause," many voters who have been granted franchise because their fathers or grandfathers once enjoyed it. This proyision has recently been declared by the United States Supreme Court unconstitutional, ineffective, null and void, because violative of the fifteenth amendment to the Federal Constitution." The case came from Oklahoma, which is one of the four states that have adopted the plan blazed by Louisiana, for getting rid of the greater portion of its illiterate negro vote without disfranchising the whites.

That the provision was unconstitutional was recognized by many at the time it was adopted. In 1898 The Times-Democrat pointed out the possible danger from an adverse decision during a close and exciting campaign, and many members of the Constitutional Convention which adopted this provision expressed the opinion that the clause would not stand the test, but the convention had already gone beyond the time limit allowed it to frame a new organic law, was badly tangled up on the suffrage problem and at the suggestion of Hon. T. J. Semmes it finally adopted the grandfather clause, effecting at least a temporary settlement of the difficulty.

Louisiana was very fortunate, as that, because of the slow and tardy progress of the courts, it was seventeen years before the case reached the United States Supreme Court; as a consequence it accomplished all it was intended to do in regard to the negro vote although, of course, it was just as unconstitutional in 1898 when it was first passed and put in operation as it is today. In the course of time the law seemed so safe from federal interference or attack that, as we have said, four other Southern states adopted the same provision; while in Louisiana, the Legislature was guilty of the folly of reviving "the permanent roll" for illiterates although the convention of 1898 had practically promised to the contrary—that there would be no new list of grandfather voters, which was to close forever on August 31, 1898, never to be adopted.

Ever since that decision, the question has been how to put the Louisiana suffrage qualifications in line with the provision of the Federal Constitution. It had been hoped to do so through the new constitution which was to have been voted on last year, but the defeat of the call left the difficulty unprovided for. Many of those whose names were borne on the grandfather roll have since registered under the other suffrage provisions, the educational or property clause, like Mr. Fitzpatrick. But how about those who cannot do so, who cannot read and write, who own no property, and against whom these suits have been brought to strike their names from the registration? It is scarcely likely that these suits will be finally determined in time for the primary; nor, is it likely that the federal government will interfere if these votes are cast in a Democratic primary.

It is well to dispose of these cases before the state election comes around and certainly before the presidential election in November. We want no voters exercising the suffrage in defiance of a decision of the United States Supreme Court. The vote of Louisiana has been the center of one dispute in a presidential contest, and we do not want a second case of this kind. We have been very lucky that the unconstitutional grandfather clause has not come to a final issue during an important election in Louisiana.

Now that we have been notified that this suffrage clause is null and void, unless some steps are taken by the courts or others to purge our rolls from those the Supreme Court declares are not entitled to the ballot, it may easily give rise to confusion and challenge; and it will be cited in evidence that Louisiana has been twice guilty of this violation of the fifteenth amendment and the Federal Constitution—in 1898 when it originally adopted "the grandfather clause" and again in 1914 when it took that same course a second time.

We must get rid of these grandfather voters sooner or later; the sooner the better, so that they will not involve the state in what may prove serious differences with the federal authorities.

Rochester, N.Y. Demo. Chronicle

JUN 22 1915

'GRANDFATHER' CLAUSE WIPED

OUT BY COURT

Restr... Negro Vote
Fou... stitutional.

VIOL... AMENDMENT

Supr... ecision in Case of Oklahoma Believed to Extend to Other Southern States; in Southern Constitutions Fifteen Years

The Argus Press Clipping Bureau 352 Third Ave

Washington, June 21.—In probably one of the most important race decisions in its history, the Supreme Court to-day unanimously annulled as unconstitutional the Oklahoma constitutional amendment and the Annapolis, Md., voters' qualification law restricting the suffrage rights of those who could not vote or whose ancestors could not vote prior to the ratification of the fifteenth amendment to the Federal Constitution.

Chief Justice White, a native of the South, and a former Confederate soldier, announced the court's decision.

By holding that conditions that existed before the fifteenth amendment, which provides that the right to vote shall not be denied or abridged on account of race, color or previous condition of servitude, could not be brought over to the present day in disregard of this self-executing amendment, it is generally believed went a long way toward invalidating much of the so-called "grandfather clause" legislation of Southern states.

Effect of Decision.

The immediate effect of the court's decision was to uphold the conviction of two Oklahoma election officials who denied negroes the right to vote in a congressional election and to award three Maryland negroes damages from election officials in Annapolis who refused to register them. The court held that these election officials could not ignore the potency of the fifteenth amendment in wiping out of state constitutions the word "white" as a qualification for voting. In the Maryland case the court's decision established the point that the fifteenth amendment applies alike to municipal as well as to Federal elections.

Discussing the Oklahoma cases, Chief Justice White said the suffrage amendment to the state Constitution first fixed a literacy standard, and then followed it with a provision creating a standard based upon the condition existing on January 1, 1866, prior to the adoption of the fifteenth amendment, and eliminated those coming under that standard from the inclusion in the literacy test.

The court had difficulty, he said, in finding words more clearly to demonstrate its conviction that this action of the state recreated and perpetuated the

very conditions which the fifteenth amendment was intended to destroy than the language used in the amendment.

Clause Worked Fifteen Years.

For more than fifteen years the "Grandfather clause" has been inserted in constitutions of Southern states. The most popular form has been to exempt from educational and property tests for voting those who could vote in 1866, 1867 or 1868, thus leaving the tests to apply to those who did not vote at those dates.

The Oklahoma "Grandfather clause" provides "that no person shall be registered as an elector in this state, or be allowed to vote in any election herein, unless he be able to read and write any section of the Constitution of the state of Oklahoma, but no person who was, on January 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendent of such person, shall be denied the right to register and vote because of his inability to so read and write sections of such constitution."

Its Use in Maryland.

In Maryland the clause was inserted in laws governing elections in various cities. In 1908, it was inserted in the law governing municipal elections in the city of Annapolis. It authorized the registration as voters of all taxpayers of the city assessed for at least $500; all duly naturalized citizens, all male children of naturalized citizens 21 years of age, and "all citizens, who prior to January 1, 1868, were entitled to vote in the state of Maryland or any other state of the United States at a state election, and the lawful male descendants of any person who prior to January 1, 1868, were entitled to vote in the state of Maryland or in any other state of the United States at a state election."

Various arguments were advanced to meet the attack that these clauses violated the fifteenth amendment to the Constitution providing that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude."

Another line of argument was that the clauses did not "deny" or "abridge" the right of negroes to vote, as forbidden by the fifteenth amendment, but it merely discriminated against them by allowing those not negroes to vote without meeting the qualifications imposed ostensibly upon all.

NEW YORK HERALD

NEGRO MAY VOTE,

AS 'GRANDFATHER' CLAUSE IS KILLED

Oklahoma and Maryland Restrictions Are Declared Illegal by Highest Court, and Effect of Decision May Be Felt in North Carolina and Mississippi, With Same Law.

CAN BE NO "NECROMANCY" IN TIME QUALIFICATION.

Convicted Officials of Oklahoma, Who Kept Negroes From Polls, Must Suffer Penalty—States May Have Literacy or Property Tests, but Not as Subterfuge.

(Special to The World.)

WASHINGTON, June 21.—Chief Justice White, handing down an opinion for the United States Supreme Court, dealt a death blow today to the "grandfather clause," which is effective in a number of Southern States in disfranchising negroes.

The court sustained, in its opinion in the Oklahoma and Maryland cases, the Fifteenth Amendment, prohibiting discrimination against negroes, and the Oklahoma and Maryland laws, barring negroes from the polls because their ancestors could not vote prior to Jan. 1, 1866, were declared void.

The decision on the "grandfather clause" is far-reaching. The Oklahoma law was modelled after the North Carolina and Mississippi laws, which disfranchise many thousands of negroes.

The opinion of Chief Justice White declares that State laws basing the right of persons to vote on the right of their ancestors to vote before the Fifteenth Amendment was passed are illegal, unconstitutional and inoperative.

Test Must Not Be Subterfuge.

The court held that States may prescribe literacy and property qualification tests for voters, but they must not be used as a subterfuge, as in Oklahoma and Maryland, to prevent the negro from voting.

Frank J. Guinn and J. J. Beal, Oklahoma election officers, were convicted for preventing negroes from voting in the 1910 Congressional election and sentenced to imprisonment for one year and to pay a fine of $100. They appealed to the Appellate Court at St. Louis, which passed the case along to the Supreme Court without trying it. The lower court was upheld to-day.

The Constitution of Oklahoma, upon which that Territory was admitted to the Union as a State, gave something very like manhood suffrage. But prior to the elections of 1910 an amendment was adopted severely restricting the franchise. The amendment read in part as follows:

"No person shall be registered as an elector of this State or be allowed to vote in any election herein unless he be able to read and write any section of the Constitution of the State of Oklahoma; but **no person who was, on Jan. 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendant of such person, shall be denied the right to register and vote because of his inability to so read and write sections of such Constitution.**"

No Necromancy in Time.

The Government insisted that the "real question involved is the repugnancy of the standard which the amendment makes, based upon the conditions existing on Jan. 1, 1866, because on its face and inherently considering the substance of things that standard is a mere denial of the restrictions imposed by the prohibitions of the Fifteenth Amendment and by necessary result recreates and perpetuates the very conditions which the amendment was intended to destroy."

The Chief Justice summed up the opinion of the court in these words:

"There seems no escape from the conclusion that to hold that there was even possibility for dispute on the subject would be but to declare that the Fifteenth Amendment not only had not the self-executing power which it has been recognized to have from the beginning, but that its provisions were wholly inoperative because susceptible of being rendered inapplicable by mere forms of expression embodying no exercise of judgment and resting upon no discernible reason other than the purpose to disregard the prohibitions of the amendment by creating a standard of voting which on its face was in substance but a revitalization of the conditions which, when they prevailed in the past, had been destroyed by the self-operative force of the amendment.

"We are unable to discover how, unless the prohibition of the Fifteenth Amendment were considered, the slightest reason was afforded for basing the classification upon a period of time prior to the Fifteenth Amendment. **Certainly it cannot be said that there was any peculiar necromancy in the time named which engendered attributes affecting the qualification to vote which would not exist at another and different period unless the Fifteenth Amendment was in view.**"

The court held that Oklahoma had not meant to provide a literacy test for its voters if the restriction as to those qualified to vote in 1866 was illegal, and hence struck down that test, although stating that, standing alone, such a test is constitutional.

The reading test was stricken out along with the grandfather clause. Chief Justice White said the plain meaning of the Oklahoma Constitution was that the reading test should not be used to disqualify lineal descendants of voters prior to 1866. As this would be accomplished in many cases by continuing the reading test without the offensive exemptions, the whole provision was killed.

In the Maryland case the court awarded damages to three negroes, to be paid by election officials of Annapolis, who had refused to register them.

The court held that these election officials could not ignore the potency of the Fifteenth Amendment in striking out the word "white" as a qualification for voting, and that this amendment applies to municipal elections as well as to Federal elections.

Chief Justice White, who announced the court's decision, is a Southerner and was in the Confederate army.

Toledo Ohio Blade June 21 1915

SEEK NEW CURB ON NEGRO VOTES

South May Attempt to Replace the "Grandfather Clause" Held Void.

POLITICIANS SEE GREAT GAIN FOR REPUBLICANS

Declare Whites in South Will Be Outvoted Under the Decision.

Washington, June 24.—Political leaders here are beginning to take stock as a result of the supreme court's two decisions Monday knocking out the "grandfather clauses" in the Oklahoma and Maryland election laws.

New legislation, both by the states and congress, is one of the things predicted by those familiar with the attempt of the southern states to prevent the negroes from voting.

Unless the states are able to find some new means of curtailing the negro vote between now and 1916, heavy Republican gains are predicted for Maryland, Virginia, West Virginia, Kentucky, Tennessee, Oklahoma, Mississippi, and Louisiana.

May Use Literacy Test.

Southern states, still intent on restricting the negro voters, are expected to turn to the literacy test. The objection to the literacy test is that it would deprive a great many white citizens of the southern states of the ballot.

Conservative leaders say that the decisions Monday will affect only Maryland and Oklahoma, and cannot be applied to other states. With the calendar of the court already loaded with cases for settlement during the fall term, these leaders say it will be impossible to get the election laws of the solid south up for review before the presidential contest next year.

May Effect Legislation.

It was pointed out today that the decisions may have a direct bearing on legislation at the approaching session of congress. During the closing days of the last session, the Democrats, spurred on by the White House lash, attempted to obtain the adoption of a cloture rule in the senate. The Republicans opposed it in order to prevent the passage of the ship purchase bill and other legislation they regarded as inimical to the country's interest.

When cloture was up before, the Democrats opposed it because they believed the Republicans would use it to break down their election laws. Now that those laws are in danger, it is believed by some persons that no further attempt will be made in behalf of the cloture rule, and that the Democratic leaders will take their chances on legislation in preference to opening a way for the tearing down of the southern bars on negro suffrage.

Court Decisions Affecting the Negro - 1915

Boston, Mass. Transcript

26 June 1915

The Negro's "Second Emancipation"

A Complete Social and Industrial Remaking of the South Certain to Follow the Killing of the "Grandfather Clauses"

By a Southern Journalist

THE decision of the Supreme Court declaring the "grandfather clauses" in different State Constitutions to be a practical nullification of the Federal Constitution, and therefore null and void, is not likely to have any immediate political effect. It will, however, have a revolutionary, though slow, influence on the whole social and industrial structure of the South. It will be worth, in educational value, more than a direct appropriation or endowment of millions for schools. It will, in a word, do more to reduce illiteracy than all the propaganda and compulsory education laws put together. It is not an exaggeration, therefore, to say that the ultimate effect of the decision on Southern development will be but slightly less than that exerted by the Emancipation Proclamation.

The "grandfather clause" disfranchised no negroes. What it did do was to enfranchise thousands of ignorant whites who could not qualify for the ballot under either the property or literary clauses. They were given the ballot as an inheritance. This was in effect, however, disfranchisement of the negroes, for the enfranchisement of multitudes of ignorant whites, who were as unfit for the ballot as the ignorant blacks, gave the former so great a numerical preponderance at the polls as to make the remaining black vote practically negligible.

Here, then, was the deplorable situation which "grandfather clauses" immediately induced. It supplied the negroes at once with a strong incentive to acquire the rudiments of an education that they might meet the literacy test and it gave them a reason also for acquiring sufficient property to qualify under the property clause. Correspondingly it took from the poor whites the incentive either to learn or to acquire property, for the purpose of getting the ballot. To be sure, men want property for its own sake, and some have an inherent longing for an education, but only those who have lived in the rural districts of the South can apprehend how important the right to vote is considered. It fixes, in a way, a man's standing in his community. There are actually thousands of white men to whom disfranchisement would be a crowning humiliation. They would do anything to prevent it—even learn to read and write.

Education and the Southern Negro

Two years ago it was pointed out in a series of articles in the Transcript that the thirst of the younger generation of negroes for education was the most significant phase of development in the New South. The strength of this movement has not abated. On the contrary, it has increased. It is as pronounced in the country as in the city. It has produced hysterical complaints from cotton planters, who aver that in the fall they are unable to get their crops picked because the children insist on going to school. It has led to demands on the different legislatures for enactments to prevent the opening of negro schools before November. Similarly, in the cities, particularly the smaller ones, there has actually been serious discussion among less thoughtful citizens as to the advisability of decreasing the appropriations for negro schools on the ground that economic conditions were being seriously disturbed.

I have seen little pickaninnies trudging five miles through sand and sun to a ramshackle building where one teacher was endeavoring to instruct almost a hundred pupils. Indeed, so rapidly has elementary education among the blacks spread that a newspaper in New Orleans, attempting to counteract the effect of the larger circulation of a competitor, advertises that it has "a larger white circulation." This means but one thing, namely, that the black race there has become a great newspaper reader, that it is actually a big factor in circulation. Consider how ridiculous it would have been a short time ago for any newspaper in the South to be considering negro circulation seriously.

There is a negro cook of whom I know who has three children and a delinquent husband. Where the husband is she does not know, but she does know that the children are in school every day, when school is in session, and every one of them can read and write. The case is typical.

For years every intelligent negro preacher in the South has been preaching education. It is their hobby. News travels fast among the blacks by word of mouth. They could not be reached at first by the printed page, yet education as a gospel has somehow been inculcated everywhere in the race. It would be folly to go so far as to say that this thirst for education is entirely a result of the election laws. The great, big, important fact is that even now no literacy test can be applied that will not disfranchise almost as many whites as blacks, particularly in those States which have a specially large percentage of illiteracy. The other big fact is that no political body anywhere in the South would dare disfranchise these poor and ignorant whites. To make qualifications that they can meet is to make qualifications that thousands of blacks also can meet.

Illiteracy Among Blacks and Whites

It is impossible to get any accurate statement as to the percentage of illiteracy amng the blacks as compared with the whites for the reason that the statistics given are at best little better than estimates. Personal observation is the best barometer. Or legislative enactment, perhaps, would be more convincing evidence of the trend. When a compulsory education law was being considered in South Carolina, objection was made that it would not be good policy to compel negro children also to go to school. "Why," said one of the higher statesmen, "you can't keep the negroes out of school so long as there is a school anywhere near. The object of this bill is to compel white children to do what negro children are already doing of their own volition." Compulsory education was necessary in a State where, in some sections, men whose ancestors had fought in the Revolution were unable to sign their names.

Law is one thing and administration of it is another. There are ways of keeping competent voters off the voting lists. Election frauds, even intimidation, have been common enough in New York and Philadelphia, not to mention Indiana and even Boston. But this may be stated as a safe proposition. The general disqualification of the negroes in the South by a literacy test is no longer possible. This does not mean that thousands of them cannot be disqualified, but it does mean that a test which would disqualify these thousands would also disqualify so many thousands of whites that no political party would dare apply it. The one way out would be for the registration commissioners to say arbitrarily that a white man had passed the test, no matter how miserable a failure he might have made.

Negroes as Property Holders

When the property qualification is considered, an equally significant condition of affairs is revealed. In the series of articles formerly alluded to as appearing in the Transcript, it was pointed out that the acquisition of property by negroes in the South had become a matter of grave concern to those who feared the encroachment of the black race. The avidity of the blacks for ownership has not lessened. It has increased. So long as the negro, working his own small piece of land, can raise cotton for less than six cents a pound, while his white neighbor, employing labor, cannot raise it for less than nine cents a pound, there can be no doubt whatever about the progress of the negro toward land ownership. Diversified crops may hold him back, but they cannot stop him, particularly as he can do some diversified planting on his own account if he wants to. Plantation after plantation has reluctantly been subdivided by a generation of owners among whom sentiment is not so strong an influence as it was with their parents. Nor has prohibition been without effect in compelling negroes to do without bad whiskey, thus assuring more savings. Aside from the wholesale robbery which the instalment houses perpetrate, aside from the natural prodigality and wastefulness of the negro race, aside from the liquor vendors who get much of the laborer's wages, still there is a marked moral progress which manifests itself also in the development of responsibility and frugality. So the gradual acquisition of property by the blacks continues. It is as certain as the forward march of the boll weevil.

It may be doubted if many negroes can get the franchise under the property qualification who could not get it anyhow under the literacy qualification. On the other hand, many ignorant whites inherit and continue to hold sufficient land to bring them within the letter of the law. Yet even so, no Southern State would dare require property and literacy qualifications. The qualifications will continue to be alternative.

Waking Up the Sleepy Districts

The effect of the Supreme Court's decision, although it will not be immediate, will be to check illiteracy. Larger appropriations for the public schools may be anticipated, accompanied by a general awakening of the so-called sleepy districts. This will mean much to business in general. It is, for instance, difficult to teach the principles of intensified farming to people who cannot read. Education can readily double the soil productivity of the South. So, too, it will induce a longing for better living and will form a new sort of purchasing public. Too much of the merchandising of the South is based on the ignorance of customers.

Disfranchisement of the negroes is likely to be administrative rather than constitutional. Local means for preventing them from voting will be found. Law suits now and then will counteract this to some extent. However, with the election machinery entirely in the hands of men who believe that the negroes ought not to be allowed to vote, it will be no very difficult task to keep them from the polls or to deprive them of the ballot by registration frauds. Such a course, naturally, cannot long be persisted in, particularly as it is much easier now to acquaint the negro with his rights.

The South Will Benefit

The negroes have been deprived of the ballot for a long time. They have not been paying much attention to it. The more thoughtful of them have been devoting their attention to industrial progress. They have not bothered with politics. It will take some time to overcome the resultant inertia.

It is peculiar, in a way, that the South, which will protest most bitterly against the decision, will be the chief beneficiary of it. It has long been evident that no true prosperity could exist in any section if almost half the population was ground down and left without hope of progress. That accounts for the truly wonderful change in public opinion which has taken place in the South in recent years. The most intelligent leaders, industrial not political, have been devoting their best efforts to pushing the blacks forward instead of shoving them back. Whatever their political beliefs, they have realized that the whites cannot be prosperous unless the blacks are prosperous. They have felt that poverty-stricken farm laborers meant poverty-stricken farmers. That is why a great many coöperative planting schemes have been begun, with profit to both races. Negro habitations have shown a marked improvement. It would not be too much to say that prejudice against the negro has been largely the prejudice of the ignorant whites, which aspiring politicians have not been slow to capitalize. Remove the ignorance and more than half of the prejudice melts away. People can be friendly without having social relations.

The race bogey has been given a heavy blow. It could not have been given at a time more ripe for the greatest benefit to be got from it. What matter if the results are slow, provided they are sure?

Phila, Pa.

JUN 3 1915

COLOR LINE AT POLLS REMOVED BY COURT

Oklahoma and Annapolis Laws Baring Many Negroes From Voting Declared Unconstitutional

(By Associated Press)

Washington, June 22.—In probably one of the most important race decisions in its history, the supreme court today annulled as unconstitutional the Oklahoma constitutional amendment and the Annapolis, Md., voters' qualification law restricting the suffrage rights of those who could not vote or whose ancestors could not vote prior to the ratification of the fifteenth amendment to the federal constitution.

Chief Justice White, a native of the south and a former Confederate soldier, announced the court's decision, which was unanimous.

By holding that conditions that existed before the fifteenth amendment, which provides that the right to vote shall not be denied or abridged on account of race, color or previous condition of servitude, could not be brought over to the present day in disregard of this executing amendment, it is generally believed that the court went a long way toward invalidating much of the so-called "grandfather clause" legislation of southern states.

The court enjoined the Oregon and

California Railroad company from selling the undisposed portion of its congressional land grant. Sales to actual settlers in 160-acre tracts at $2.50 an acre are permitted under the decision after congress has had six months in which to enact further legislation on the subject. The lands involved are valed at more than $30,000,000.

The court refused to forfeit the lands to the government for the company's failure to comply with provisions as to price and settlement and also denied the application of actual settlers who have gone on the lands without permission of the railroad and of applicants for entry to have the property declared a trust in their behalf.

Montreal, Can.
WITNESS
JUL 13 1915

The Grandfather Clause

"The right of the citizens of the Unit "ed States to vote shall not be denied or "abridged by the United States or by "any state on account of race, color or "previous condition of servitude." Thus runs the Fifteenth Amendment of the constitution of the United States adopted as a result of the civil war. No sooner had it been adopted than the vote of hundreds of thousands of ignorant and illiterate negroes, who only a few weeks previously had been slaves, became a real danger to the nation. Then was the day of the "carpet-bagger," the northerner who went down south and won his way to political preferment by an appeal to the votes of the blacks. The result was disastrous, especially in the measures taken to render the constitutional amendment nugatory. There sprang up the Ku-Klux movement as well as the White Cap and the Rifle Club, all bandit organizations of southerners to prevent by force and terrorization the negro going to the polls. For a while these were effective, but shortly there were substituted for them state enactments drawn by clever lawyers to evade the fifteenth amendment without openly contradicting it. The cleverest of these, and the one which became generally adopted, was known as the grandfather clause. By this no man was allowed to vote if his grandfather had not been a voter before him unless he could read and was in possession of a certain amount of property. In this way no white man was debarred from voting. White men did not have to prove that their grandfathers had been voters,—that was taken for granted—nor did they have to qualify on the literary or property tests. On the other hand, few negroes could vote because they could not pass the property and literacy tests. By this means the race line was drawn almost as distinctly as though it had been mentioned in words, yet verbally, no wrong had been done the negro

JUN 22 1915
Brooklyn Citizen

THE SUPREME COURT AND THE NEGRO VOTE.

The decision of the United States Supreme Court in the Oklahoma case, handed down yesterday, will direct public attention anew to the problem of the colored vote in the Southern States. As most of our readers understand, there is a large number of negroes disfranchised by laws which impose upon them restrictions from which white men are free, and this has been deemed necessary to save the State in question from the consequences of universal suffrage. What the negro vote could do toward ruining civilized communities was abundantly illustrated during the carpetbag regime after the Civil War. Had it not been found practical to shut out a majority of the recently enfranchised slaves from the ballot box, several Southern States would have been Africanized in the worst sense of that term.

As a proposition in practical government it admits of no doubt that the white people of the South had in these extreme instances to choose between the adoption of questionable means of defense and the surrender of their homes to the mercies of utterly benighted negroes, led by a pack of the very worst white adventurers that this or any other country ever produced. What is regrettable is not that the white people chose the former alternative, but that the terms of the Fifteenth Amendment left no other course open to them. Had the Constitution made it permissible for every State to settle the status of the colored voter to suit itself, as reason requires it should be done, there would have been no occasion for the indirect methods adopted, the negroes would, upon the whole, have been benefited and the country would have been spared the evils which are always incident to any widespread evasion of the law. These things are recalled by the decision handed down yesterday, which, in effect, holds that the attempt of the people of Oklahoma to circumscribe the colored vote by a literacy test which does not bear equally against white men, is unlawful, and what is suggested is that an extension of the principle laid down by the court may involve the nullification of the so-called grandfather laws under which the South has for more than a decade been operating politically.

It may be that upon more careful examination the decision will be found to be less comprehensive than the first sight of it seems to imply. It is never safe to infer from any special decision its application to cases not considered, and this, it is to be hoped, will prove true in the present instance. There is not the least ground for believing that the majority of the American people, irrespective of political differences, would not be seriously disturbed if the Supreme Court were to rule that the restrictions here referred to were all included under the condemnation rendered in the Oklahoma action. How to get rid of the negro vote without violating the law is really a problem which every intelligent white person of good character wishes to see solved, in so far as the colored vote in any State is large enough to have a decisive relation to the course of public affairs.

In any event, it may, we think, be taken for granted that in some way the American people will succeed in averting from any of the Southern commonwealths the monstrous results that would flow from negro domination. In the meantime it may well be inquired, in view of the decision in question, whether the time has not come to deal effectively and frankly with the matter by making an amendment to the Federal Constitution so that the meritorous negroes might be intrusted with the ballot while the others were excluded.

Wilmington, Del.
Every Ev
JUL 13 1915

Southern Negroes and the Ballot.

The general expectation aroused upon the announcement of the Supreme Court decision against the disfranchising "grandfather's clause" of the Oklahoma Constitution that it would open the way to a liberal exercise of the franchise by Southern negroes has been dissipated by later information from the communities directly interested. Not alone upon the "grandfather's cluase" have the Southern States been depending, but have adopted literary and property qualifications for franchise, applying to all alike and therefore not discriminatory, upon which they rely for preventing a general exercise by the negroes of the voting privilege.

Also, the public sentiment against such an exercise of negro franchise as would open the danger of a return to reconstruction days still exists throughout the South, and is shared by white Republicans as well as by Democrats. "I want it distinctly understood," writes Frank A. Linney, chairman of the Republican State Committee of North Carolina, "that I do not want to see the ignorant negro a voter in North Carolina again, and so far as I have a voice in the Republican party, he shall not have that right restored to him. The educational test and the poll tax provision are sufficient protection against this vote."

Mr. Linney makes this declaration as a partisan, as well as a citizen interested in the welfare of his State. "The vote of the ignorant negro," he continues, "is a menace that no party can stand in this State. It has been my effort to lead the Republican party away from the odium of race prejudice into a calm discussion of the great principles of the party. With such an opportunity, I know the party must and will win success. But fetter it again with the ignorant negro vote and it will be manacled like a slave. Whatever may be the result of this decision, I am determined the Republican party shall keep itself free and clear from this political body of death."

These are strong protests against general negro suffrage, coming from an active Republican politician. It shows he believes that general enfranchisement would be a drag to his party, not a benefit.

Boston, Mass. Transcript
July 1915

THE GRANDFATHER CLAUSE

To the Editor of the Transcript:

I have noted with interest the recent comments in your columns relative to the decision of the United States Supreme Court in re the "Grandfather Clause" and its probable effect in the South.

So far as I have noticed, the writers have failed to state that this decision will make little difference in the South because the Democratic primary ordinarily settles everything, and negroes are not allowed to vote in Democratic primaries.

EDWIN A. WALDO.
West Palm Beach, Fla., July 21, 1915.

Pitts. Gazette
JUN 23 1915

G. O. P. GAINS BY VOTE DECISION

WASHINGTON, June 22.—Republican leaders in Washington today claimed a distinct advantage from the decision handed down by the Supreme Court yesterday in the "grandfather clause" cases from Oklahoma and Maryland.

The effect, it is said, would be to reinvest with votes a large number of negro voters in many Southern and border states. In Oklahoma, West Virginia, Maryland, Virginia and Kentucky, the Republican gain probably will be material. The effect will be felt in the next congressional contest unless the Southern states pass other laws before the elections in 1916 to exclude the negroes. The decision upheld the literacy test as proper when applied to whites and blacks alike.

Court Decisions Affecting the Negro – 1915

2 June 1915

SUPREME COURT LETS DOWN BARS TO NEGRO VOTES

Overthrows the "Grandfather Clause" in Maryland and Oklahoma.

LITERACY TESTS DECLARED VALID

But They Must Not Be Used as Subterfuges to Disfranchise Black Citizens.

Washington, June 21.—The "grandfather clause," by which Southern states have disfranchised hundreds of thousands of negroes, while permitting any white man to vote, received its death blow from the Supreme Court of the United States to-day.

The decision of the court that the "grandfather clause" was unconstitutional was unanimous, and is virtually the first ruling by the highest court on this point. The court has sidestepped this issue several times, but to-day the question was answered so flatly in the negative that it is doubtful whether any further laws aimed at disfranchising the negroes will include the "grandfather clause."

To-day's decision invalidates the "grandfather clause" of the Maryland law, only recently adopted, and applied only to state and city elections, and the similar clause in the Oklahoma law, which applied to all elections. The Maryland law was an attempt to avoid any national issue on which the case could be taken to the Supreme Court.

Property and other tests for voters enacted by the Maryland Legislature for Annapolis in the same act in which the "grandfather clause" was inserted was held to be so closely related to the latter clause as to make all the qualifications fall.

The whole idea of the "grandfather clause," which has been enacted in almost every Southern state, was to permit a man to vote if his ancestors were able to vote prior to 1860, or prior to the adoption of the Fifteenth Amendment. Usually the clause was accompanied by a rigid educational qualification, so that a few negroes could meet it and be allowed to vote, thus giving a semblance of fairness to the law, under which it could be said negroes were really voting.

The court held that a state might prescribe a uniform literacy test for voters, but it should not be used as a subterfuge to prevent negroes from voting. It was taken from this that various other methods of disfranchising the negroes without directly stating the intention of the law will also be thrown out if they are taken to the Supreme Court.

The court held that election officials who sought to enforce the "grandfather cause" could be held amenable to law for denying persons a right to vote, and that such officials could not disregard the fact that the Fifteenth Amendment had stricken out of the law the word "white" as a qualification of voting.

Court Denies Oregon Land Grant Recovery

Washington, June 21.—The government to-day lost its suit in the Supreme Court to forfeit the unsold portion of the Oregon & California Railroad land grant, amounting to some 2,300,000 acres and valued at more than $30,000,000.

The railroad company was enjoined however, from future sales in violation of the conditions of the grant until Congress has reasonable time to act.

Justice McKenna, for the court, held the government's position in claiming the conditions to the grant about sale were conditions for which a violation worked a forfeiture was untenable. The court held the conditions were in the nature of "enforcible covenants." He said Congress would have six months for action in the case.

The constitutionality of the Illinois pure food law, prohibiting, in effect, sale of a food preservative containing boric acid, was also upheld by the court.

Justice Hughes, rendering the decision, held that the validity of the law must be upheld unless the defendants showed there was no doubt about boric acid being wholesome. The court held he had failed to do so.

The case of New York shippers, asking treble damages for alleged violation of the Sherman anti-trust law by South African steamship lines, was restored to the docket for another argument.

A judgment of the Pennsylvania Supreme Court for $124,000, as treble damages under a state law, in favor of the Clark Brothers Coal Mining Company against the Pennsylvania Railroad, for discrimination in car distribution, before the passage of the Hepburn rate law, was set aside.

Supreme Court Gives Caminetti New Chance

[From The Tribune Bureau.]

Washington, June 21.—In an almost unprecedented action the Supreme Court to-day reversed its decision of a week ago, when it refused to review the Caminetti case. Chief Justice White announced that the court would hear argument on the case in the fall, and that argument also would be heard for Maury I. Diggs, the companion of Caminetti in the case.

F. Drew Caminetti, son of the Immigration Commissioner, and Diggs took two young women from Sacramento to Reno. The young men were prosecuted under the Mann white slave act, and the case attracted national interest. They were sentenced to prison, but an appeal was taken to the Supreme Court.

When the high court refused last Monday to review the case ex-Senator Bailey asked for time to file a brief for a rehearing. Counsel asserted that the court should pass on the question of whether the Mann law reached cases in which commercialism was not involved. In the new argument before the court, it is understood, the lawyers will dwell with special strength on the point that the law does not apply to such adventures as those of Diggs and Caminetti.

Will Review 5 Per Cent Tariff Rebate Clause

[From The Tribune Bureau.]

Washington, June 21.—Treasury officials in particular and friends of the administration in general sighed with relief to-day when the Supreme Court decided to review the decision in the 5 per cent duty rebate case. This law, which provides that goods imported in American bottoms shall be taxed 5 per cent less than other goods imported under the Underwood-Simmons tariff bill, had been so construed by the Customs Court of Appeals that the annual loss would be from $15,000,000 to $20,000,000, while immediate payments of $15,000,000 would have to be made to those importers who had been forced to pay full duties.

The Customs Court decided that not only goods imported in American bottoms were entitled to this rebate, but all goods imported in vessels flying the flags of those nations with which the United States had treaties containing the favored nation clause.

The decision of the Supreme Court will at least block the return of the money collected by the customs officers until the case is finally decided, and thus prevent the Treasury paying out $15,000,000 at once. Treasury officials hope that the Supreme Court will hold the rebate clause unconstitutional, sustaining the stand of Secretary McAdoo.

Court Puts Lid Down on Pullman Sleepers

[From The Tribune Bureau.]

Washington, June 21.—The Pullman Company has the right to pull down the upper berth over one's head, cutting off one's air space and preventing one from kicking in one's sleep, even in the State of Wisconsin. This was the ruling of the Supreme Court of the United States to-day, when it knocked out as unconstitutional the Wisconsin law which provided that unless an upper berth was sold the porters should not make it up over the head of the man who bought the lower.

The case was taken to the Supreme Court by the Chicago, Milwaukee & St. Paul Railroad, which was fined $50 because its employes insisted on making up an upper berth which had not been sold, despite the protests of the passenger who had the lower berth

The Supreme Court held that the law violated the company's constitutional rights in that it took property without due process of law. The court said it had been proved that the health of the passenger in the lower berth was not injured by lowering the upper above him.

Justice Lamar added that there was evidence to show that the law interfered with interstate commerce in that it was an inconvenience for a man or woman to have the upper made up after he or she had got into the lower. Justices McKenna and Holmes dissented.

NEGROES' RIGHT TO VOTE HAS BEEN SUSTAINED

MOST IMPORTANT RACE DECISION SINCE DRED SCOTT FINDING.

Wide-Reaching Effects of Supreme Court Decision Against the Validity of the "Grandfather Clause" Through Which Southern States Have Sought to Eliminate Negro Vote—Unanimous Opinions in Oklahoma and Maryland Cases.

[Special Dispatch to The Evening Post.]

WASHINGTON, June 22.—The most important race decision since the Dred Scott holding, is the way in which the capital to-day regards the Supreme Court's decision striking down the "grandfather clause" legislation of the Southern States. Taken in connection with another of the court's decisions—all rendered yesterday—to the effect that a negro not only has a constitutional right to vote, but to have his vote counted, it is believed that the negro once more may become a potent factor in the community in the Southland, wherever he may reside.

By upholding a criminal conviction of election officials in the Oklahoma case for denying negroes the right to vote, and by approving the award of money as damages to negroes turned away from the registration booths in Annapolis, Md., the court demonstrated that both the penitentiary and the purse of election officials are to be used as means of enforcing the nation's supreme law that the right of citizens to vote shall not be denied or abridged by the United States or the States on account of race, color, or previous condition of servitude.

LEGISLATION OF SOUTHERN STATES.

Encouraged by the repeal of the "force law" and by the decisions of the Supreme Court upholding "Jim Crow" legislation, most of the Southern States in the last decade or so have written into their law, either by constitutional provisions or by statutes, provisions which barred or restricted persons from voting, if they or their ancestors could not vote in 1866 or 1868 or some other date just previous to the enactment of the Fifteenth Amendment. It was acknowledged that the job was one of exact phraseology, but there was a hope that sufficiently delicate words would be found to allow the judges to eke out a plausible ground to sustain the legislation. Property tests in New York, New Jersey, Virginia, Maryland, North Carolina, and Rhode Island at the time of the adoption of the Constitution, plus maturity of years and a quiet and peaceable behavior in the case of Rhode Island voters, offered shining examples.

The question restricting the negro vote in Oklahoma was considered at the time the State was applying for admission to the Union. It was decided unwise, however, to present a constitution containing a "grandfather clause" to Congress and the President for approval. But immediately after the State was admitted to the Union a constitutional amendment was adopted, incorporating into the organic law of the State the coveted clause.

OKLAHOMA'S LITERACY TEST.

Instead of a property test, the Western member of the family of States adopted a literacy test as a basis in which to ground the desired disfranchisement of negro voters. After the provision for the literacy test was provided for, there was another excepting from its operation all those who could vote or whose ancestors could vote on January 1, 1866.

"See," said the new State, "we are not discriminating against the negro, although it may be true that we are granting privileges to the white man which we do not grant to him—namely, the privilege of being exempted from the literacy test."

In Maryland, time after time, attempts were made to incorporate a "grandfather clause" in the State Constitution, but this was voted down. Finally a statute was passed applicable only to Annapolis, and other statutes to other cities, all including the clause. In each case, the clause was coupled with a property test. "See," said the border State, "we are not dealing with Federal

elections, but with municipal elections and the Federal guarantee does not reach this far."

But now the Supreme Court has answered both States, and by a single voice without dissenting notes, told them they were wrong. And, furthermore, the Court used the medium of a Southern man, the Chief Justice himself, to carry the message, just as Chief Justice Taney more than half a century ago announced the Dred Scott decision.

The Chief Justice's opinion may be taken as settling the law that conditions existing before the passage of the Fifteenth Amendment are not to be lifted over the amendment and incorporated into the law of Southern States by the mere use of cute running phrases. Through him the Supreme Court has spoken to the South the message that the Fifteenth Amendment is still a part of the supreme law of the land, to be obeyed and not to be disregarded or frittered away—all under penalty of the penitentiary and heavy damage suits.

Alderman Boschen's New Office.

John H. Boschen was appointed today to the post of Assistant Commissioner of Public Works, Manhattan, by Marcus M. Marks, Borough President. Mr. Boschen resigned from the Board of Aldermen, where he served three terms, to take the new office. The vacancy was created by the elevation of Ralph Folks to be Commissioner of Public Works. Mr. Boschen will receive a salary of $6,000 a year. He is president of the Commonwealth Savings Bank and a member of the Produce Exchange.

COURIER-JOURNAL
LOUISVILLE, KY.
TIMES
JUN 30 1915

THE NEGRO AND THE BALLOT.

In a recent editorial the Boston Transcript, commenting on the action of the Supreme Court in knocking out the grandfather clauses, said: "The South has blinded itself to its own interests. Let it tear the disfranchisement bandage from its eyes and accustom them to the sunlight of human progress." This statement provoked the following reply from the Chattanooga News:

"Predictions that there will be changes in the South's political conditions because of this decision are erroneous. In Alabama, for instance, the grandfather clause no longer is in effect. That State has a poll tax clause which is cumulative and has given the practical results desired under the grandfather clauses.

"In Tennessee we have made little effort to curtail the suffrage to negroes. Years ago, when the Australian ballot was adopted in the larger counties, it eliminated the illiterate element of negroes, and still does, but this has been reduced to a small percentage.

"We wish we could frankly say that negro suffrage in Tennessee has been a success, but it has been evident of late years that that race is too much the catspaw of corrupt elements with large campaign funds. However, vote selling is not confined to one race. If we frame a new Constitution for Tennessee the vote seller—black or white—should be reached and deprived of the ballot."

Not only in Tennessee has the negro been too ready to surrender his registration certificate for a mess of catfish, but in many other States as well. His attitude toward his right of suffrage in many cases has been one of "how much is it worth in money?" The ignorant negro to whom the ballot is not even a symbol of emancipation knows little and cares less of statecraft or the doings of law-making bodies. When there is a change in the State or National Administration his philosophy is: "I lived through the last four years and I guess I can stand it four years more."

The intelligent negro—the negro who takes pride in the advancement of his race and who believes in an incorruptible ballot—is already at work among his fellows spreading the gospel of civic righteousness. Booker Washington has done more for the colored man than the decision of the Supreme Court ever will accomplish. The salvation of the negro must start from within and work outward. Making it easy for him to qualify for suffrage also makes him, in many instances, easy prey of crooked politicians, but imbuing him with a sense of uprightness and responsibility to society makes him a good citizen.

THE HUMANITARIAN WAY.

"The call for a great meeting of German-Americans to be held in Detroit next month to consider the question of war exports was prepared by men who admits

Columbia S. C.
State

JUN 25 1915

Who Will Raise the Lid?

Now that the Frank case is settled and it has done its duty as special volunteer attorney to its client, the New York Times retires temporarily or permanently from the practice of law and in treating of the Supreme Court decision uprooting the fallacy of the "Grandfather Clause" legislation shows its old-time fairness and breadth of vision. We select two passages from its admirable article. Thus:

"The Fourteenth and Fifteenth amendments to the Constitution," says that vigorous political essayist whose pen name is Savoyard, "were the harvest of revenge. Enlightened statesmanship had nothing to do with them. Hell and Utopia—Stevens and Sumner—brought them forth." Perhaps the Sumner utopianism had more to do with it than the Stevens vengeance; but the Fifteenth amendment, at any rate, was a blunder in statesmanship and left terrible consequences. It attempted to thwart by legislation a determination which has never been thwarted in the history of the human race by legislation or any other thing whatever—the determination of the white man to rule the land wherein he lives.

And, referring to the period of excitement in North Carolina in 1898, when the State resented an attempted return to reconstruction conditions by open intimidation of negroes and by as near a righteous anarchy as was ever possible . . . the Wilmington riots, The Times comments:

This incident, the last of the kind which was of any great importance, is referred to here to show how persistent is the legacy of crime and violence left by the misguided "statesmen" of reconstruction. The white man will rule his land. The only question left by the Supreme Court's decision is how he will rule it. Probably in most States he will do as he has done already in a number—exclude illiterates without regard to color from the polls. There are alternatives. One is to repeal the Fifteenth Amendment, a thing almost impossible. The other is to wait until things become as intolerable as they did in North Carolina. The remedy then invokes itself, with consequences dreadful to contemplate. The evil that theorists may do lives after them; their best intentions may become a curse to the country.

The Times is peculiarly fair and sound in its understanding both of the fact that the Fifteenth Amendment is a thing of evil passions which must yet be respected because it is a part of the law under which we live, and of the further fact that it is none the less futile against the determination of white men. Albion W. Tourgee discovered that fact in the seventies and flung it full in the teeth of the crazy politicionists of the North who looked for a negro-controlled autonomous province in the South—carpetbagger carpetbaggers that Tourgee was! But we think that The Times and other Northern papers fail to see what we think we see with all clearness, and that is that the negro has learned enough to refrain of his own initiative from making trouble in the voting, Fifteenth Amendment or not. The negro is open-eyed to his proper destiny in the States in which he must live as a race, and he has learned the shallowness of politics as a means of working it out quickly and successfully.

We will have no more negro trouble in the South connected with the exercise of the right of suffrage—unless, in order to get "Prohibition," or defeat it, or some other fad and fancy that may rouse the passions of white men, white men shall do, as they have done in the past, make the negro a guest at the ballot box. So the Pandora's box of "negro domination" may be opened again—but not otherwise. The negroes themselves are in no humor at this time to pry off the lid.

CRIME TO DISCARD NEGROES' VOTES.

Washington, June 21.—That election officials in Oklahoma can be punished criminally for throwing out votes cast by negroes, was decided today by the United States Supreme Court in passing upon the cases of Tom Mosley and other election officials of the State of Oklahoma. They were indicted on charges of conspiracy to injure and oppress certain citizens in the free right of suffrage in having failed to count several whole precincts in making returns in the Congressional election of 1912. The Federal District Court in Oklahoma held that the indictments were void, stating in substance that although the Federal constitution granted to negroes the right to vote, it did not give them a guarantee that their votes should be counted. The government appealed from this decision to the Supreme Court on the ground that this was a denial of [illegible] constitutional rights of the negroes in Oklahoma.

St. Louis Republic

JUN 24 1915

The Grandfather Decision.

To the Editor of The Republic.

Allow me to thank you for and congratulate the people upon your editorial on the "Grandfather" decision. If I had my way very few negroes would be allowed to vote, but there are not many editors who dare to declare that a white skin is not evidence of political sense and sanctity in man (observe that I say man), as you in effect declare in the editorial referred to; and therefore I thank you for it and congratulate the people of the State upon the public expression of so important a truth as is voiced in your editorial.

WHITE MAN.

June 23, 1915.